

IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
PETITION FOR VARIANCE for the \*  
Alsruhe Property - S/S Broadway \* DEPUTY ZONING COMMISSIONER  
Road, opposite Berans Road \*  
(1601 Broadway Road) \* OF BALTIMORE COUNTY  
3th.Election District \*  
3rd Councilmanic District \* Case No. VIII-649 & 96-64-A

Frederick J. Alsruhe, et ux, Owners/  
Broadway Road LLC c/o Gaylord Brooks Realty Co., Developer  
\* \* \* \* \*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by D. S. Thaler and Associates, Inc., for the proposed development of the subject property by Frederick J. Alsruhe and his wife, Estelle L. Alsruhe, Owners, and Broadway Road LLC, c/o Gaylord Brooks Realty Co., Developers, with 13 single family dwellings, in accordance with the development plan which has been identified herein as Developer's Exhibit 3. In addition to development plan approval, the Owners/Developers seek relief, pursuant to the revised Petition for Variance, from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory buildings on proposed Lot 7 to be located in the front yard in lieu of the required rear yard, and to permit a height of 18 feet in lieu of the maximum permitted 15 feet for one of those accessory structures, and from Section 1A04.3.B.3 of the B.C.Z.R. to permit a building to lot line setback of 5 feet in lieu of the required 50 feet for an existing accessory structure(s) on proposed Lot 7. The subject property and relief sought are more particularly described on the site plan/development plan marked as Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were Stephen R. Smith and Thomas R. Moore, representatives of Gaylord Brooks Realty Company, Inc., Developer, Rick Chadsey and James Markle with G. W.

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Date

By

Stephens, Jr. and Associates, Inc., the engineering firm which prepared the original development plan/site plan for this project, Scott McGuire, an environmental consultant, and G. Scott Barhight, Esquire, attorney for the Owners/Developers. In addition, numerous representatives of the various Baltimore County reviewing agencies attended the hearing. Several residents from the surrounding community appeared as Protestants, including Harold H. Burns, Jr., Esquire, who appeared on behalf of himself as well as the Falls Road Community Association, the Greenwood Community Association, Margaret V. Burns, and Scott and Susan Fine. Also appearing in opposition to the project was J. Carroll Holzer, Esquire, who appeared on behalf of Stiles T. Colwill, an adjoining property owner. Also appearing on behalf of Mr. Colwill was David S. Thaler, Professional Engineer, who prepared the development plan which was accepted and marked into evidence as Developer's Exhibit 3.

As to the history of this project, the concept plan conference for this development was conducted on January 30, 1995. As required, a Community Input Meeting (CIM) was held on February 28, 1995 at the Padonia International School. A second CIM was held on March 21, 1995 at the St. Pauls's School. Subsequently, a development plan prepared by George W. Stephens, Jr. and Associates, Inc. was submitted and a conference held thereon on September 13, 1995. Following the submission of that plan, the appropriate reviewing agencies of Baltimore County submitted comments and a revised development plan incorporating these comments was submitted at the first Hearing Officer's hearing held before me on November 8, 1995. That plan was accepted and marked into evidence as Developer's Exhibit 1, or Plan A, and proposed a 12-lot subdivision.

MICROFILMED

At the first Hearing Officer's Hearing, I attempted to determine what, if any, agency comments remained unresolved. On behalf of the Developer, Rick Chadsey testified that all issues raised within the comments submitted by the various Baltimore County reviewing agencies had been resolved and incorporated into the revised development plan prepared by George W. Stephens, Jr. and Associates, Inc., marked as Developer's Exhibit 1 (Plan A). However, there were some unresolved issues raised by the other parties present and a continuance of the hearing was requested to allow additional time to resolve those issues.

It should be noted, however, that an agreement was reached resolving some of those issues raised at the first hearing on November 8, 1995. A copy of this agreement, identified herein as "Agreement 1" was submitted and accepted into evidence as Developer's Exhibit 2. This agreement consists of a detailed compact of certain terms and conditions, and a Declaration of Covenants, Conditions and Restrictions for the Alsruhe Property. Agreement 1 was signed by all parties thereto by cover letter dated November 2, 1995 prepared by Stephen R. Smith, President of Gaylord Brooks Realty Company, Inc. An amended "Agreement 1" was signed by all parties hereto by cover letter dated March 6, 1996, prepared by Stephen R. Smith, President of Gaylord Brooks Realty Company, Inc. The amended Agreement 1 resolves the remaining issues between the parties hereto. The parties agree to incorporate all of the terms and conditions of the amended Agreement 1 into the Hearing Officer's Opinion and Development Plan Order.

Subsequent to the November 8, 1995 hearing, other interested parties reached an agreement as to the remaining unresolved issues. This agreement, identified as "Agreement 2", consists of an amended development plan, marked as Developer's Exhibit 3, or "Plan B", and proposes a 13-lot

subdivision. Plan B was prepared by D. S. Thaler and Associates, Inc. on behalf of Stiles T. Colwill, an adjoining property owner. Agreement 2 as illustrated on Plan B is as follows:

1) Gaylord Brooks Realty Company, Inc. (the Developer) agrees to utilize the 13-lot development plan (Plan B), which was prepared by D. S. Thaler and Associates, Inc. for Stiles T. Colwill. Other concerned parties, namely Dwight S. Platt, Scott and Susan Fine, Harold Burns, the Greenwood Community Association, and the Falls Road Community Association, all find the 13-lot development plan, or Developer's Exhibit 3, acceptable.

2) The Developer agrees to maintain a minimum setback of 300 feet from the southern tract boundary, which is the common property line adjoining the Colwill property, where no residential dwellings will be permitted. Furthermore, within the 300-foot setback, a 200-foot no-build zone will be maintained along the same southern tract boundary. These limitations on use will be incorporated into the Covenants and Restrictions set forth in Agreement 1 and Stiles T. Colwill will be made a party to this document for the sole purpose of enforcing these limitations.

3) The following language shall be added to the Covenants and Restrictions for the Alsruhe Property:

No residential dwelling shall be located within a 300-foot buffer established along the southern tract boundary, which is the common property line adjoining the Colwill property. Furthermore, there shall be no swimming pool, tennis court, shed, addition, or other similar accessory structure within a 200-foot no-build zone established from and along the same southern tract boundary line. Allowed improvements within the 200-foot no-build zone include fencing, and similar low-visibility improvements. Developer agrees to minimize clearing in the aforementioned 200-foot no-build zone to avoid wholesale removal of trees in that zone. These restrictions run to the sole benefit of Stiles T. Colwill, who may, in his discretion, grant waivers of these restrictions, which waiver shall not be unreasonably withheld.

4) The access easement to serve the Colwill property has been deleted from Plan A (Developer's Exhibit 1) and does not appear on the latest revised development plan, or Plan B (Developer's Exhibit 3). All parties agree that future access to the Colwill property by way of the Alsruhe property will be prohibited.

There being no other unresolved issues or comments which needed to be addressed, Development Plan B, or Developer's Exhibit 3, as submitted, should be approved, subject to the terms and conditions outlined in Agreements 1 and 2.

As to the Petition for Variance, relief is sought from the strict application of Sections 400 and 1A04.3.B.3 of the B.C.Z.R. Specifically, relief is requested to permit existing accessory buildings on proposed Lot 7 to remain in their present location in the front yard. Apparently, these structures have existed on the property for many years and to require strict compliance with current zoning regulations would result in undue hardship and practical difficulty for the property owners.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the

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Date

By

zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow

the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be

granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 9th day of April, 1996 that the development plan for the Alsrue Property, identified herein as Developer's Exhibit 3 (Plan B), be and is hereby APPROVED, subject to the following terms and conditions:

1) Gaylord Brooks Realty Co., Inc. (Developer) agrees to utilize the 13-lot development plan prepared by D. S. Thaler and Associates, Inc., marked as Developer's Exhibit 3, or Plan B.

2) The Developer agrees to maintain a minimum setback of 300 feet from the southern tract boundary, which is the common property line with the Colwill property, where no residential dwellings will be permitted. Furthermore, within the 300-foot setback, a 200-foot no-build zone will be maintained along the same southern tract boundary. This restriction runs to the sole benefit of Stiles T. Colwill, who may, in his discretion, grant waivers of these limitations, which waiver shall not be unreasonably withheld. These limitations shall be incorporated into the Covenants and Restrictions set forth in Agreement 1 and Stiles T. Colwill will be made a party to this document for the sole purpose of enforcing same.

3) The access easement to serve the Colwill property has been deleted from Developer's Exhibit 1 (Plan A) and does not appear on Developer's Exhibit 3, or Plan B. All parties agree that future access to the Colwill property by way of the Alsrue property will be prohibited.



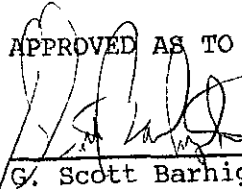
4) All conditions contained within the Covenants and Restrictions set forth in Agreement 1 executed on November 8, 1995 (Developer's Exhibit 2), are incorporated herein and made a part of this Order.

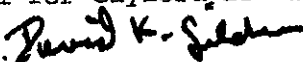
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory buildings on proposed Lot 7 to be located in the front yard in lieu of the required rear yard, and to permit a height of 18 feet in lieu of the maximum permitted 15 feet for one of those accessory structures, and from Section 1A04.3.B.3 of the B.C.Z.R. to permit a building to lot line setback of 5 feet in lieu of the required 50 feet for an existing accessory structure(s) on proposed Lot 7, in accordance with Developer's Exhibit 3 and Petitioner's Exhibit 1, be and is hereby GRANTED.

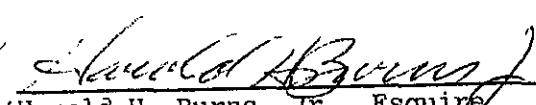
Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

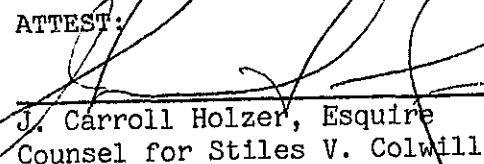
TMK:bjs

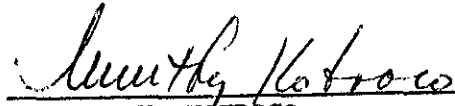
APPROVED AS TO SUBSTANCE, LEGAL SUFFICIENCY AND FORM:

  
G. Scott Barnhight, Esquire  
Counsel for Gaylord Brooks Realty Co., Inc.

ATTEST: 

  
Harold H. Burns, Jr., Esquire  
Counsel for Falls Road Community Assoc.,  
Greenwood Community Association, Margaret V. Burns,  
Scott & Susan Fine, and as pro se

ATTEST:   
J. Carroll Holzer, Esquire  
Counsel for Stiles V. Colwill

  
TIMOTHY M. KOTROCO  
Hearing Officer  
for Baltimore County

4/1/96  
Date

4/8/96  
Date

4/4/1996  
Date

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 9, 1996

(410) 887-4386

G. Scott Barhight, Esquire  
David K. Gildea, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, Suite 400  
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE - Alsrue Property  
S/S Broadway Road, opposite Berans Road (1601 Broadway Road)  
8th Election District - 3rd Councilmanic District  
Frederick J. Alsrue, et ux, Owners, and Broadway Road LLC  
c/o Gaylord Brooks Realty Co., Developer  
Case Nos. VIII-649 & 96-64-A

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Variance granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Messrs. Stephen R. Smith and Thomas R. Moore  
Gaylord Brooks Realty Co., P.O. Box 400, Phoenix, Md. 21131

Messrs. Rick Chadsey and James Markle, G. W. Stephens, Jr. and Assoc.  
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Mr. David S. Thaler, 7115 Ambassador Road, Baltimore, Md. 21244

Harold H. Burns, Jr., Esq., 210 E. Lexington St., #201, Balto., 21202  
J. Carroll Holzer, Esq., 305 Washington Ave., #502, Towson, Md. 21204

Joe Maranto, Proj. Mgr., PDM; DEPRM; DPW; People's Counsel; Case File



# Petition for Variance

96-64-A

## to the Zoning Commissioner of Baltimore County

for the property located at Alsrue Property (off Broadway Rd)  
which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 400.1 - To allow ~~an~~ accessory building to be located in the front yard instead of the required rear yard.
- 400.3 - To allow a height of 18' in lieu of the required 15' for one of the accessory structures on Lot #8.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight  
David K. Gildea

(Type or Print Name)

David K. Gildea  
Signature

Whiteford, Taylor & Preston  
400 Court Towers  
210 W. Pennsylvania Avenue 832-2000

Address Phone No.  
Towson, MD 21204  
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

Gaylord Brooks Realty Co., Inc.

(Type or Print Name)

Steve Smith  
Signature

Steve Smith (President)  
(Type or Print Name)

Signature

3312 Paper Mill Road 667-0800  
Address Phone No

Phoenix, MD 21131  
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

G. Scott Barhight  
David K. Gildea  
Name Whiteford, Taylor & Preston  
400 Court Towers, 210 W. Pennsylvania Ave.  
Address Towson, Md. 21204 Phone No. 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: MDL DATE 8/24/95

\* schedule w/ HOH





# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

Alsruhe Property (off Broadway Rd)

which is presently zoned RCS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 400.1 - To allow ~~an~~ accessory buildings to be located in the front yard  
 instead of the required rear yard on Lot #8.  
 1A04.3B.3 - To allow a 5' building setback to lot line in lieu of the required  
 50' building setback on Lot #8.  
 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (indicate hardship or practical difficulty)

-To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

G. Scott Earhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

400 Court Towers

210 W. Pennsylvania Avenue 832-2000

Address Phone No.

Towson, MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Gaylord Brooks Realty Co., Inc.

(Type or Print Name)

Signature

Steve Smith

(Type or Print Name)

Signature

3312 Paper Mill Road

667-0800

Address

Phone No.

Phoenix, MD

21131

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Scott Earhight

David K. Gildea

Name Whiteford, Taylor & Preston

400 Court Towers, 210 W. Pennsylvania Ave.

Address Towson, Md. 21204

Phone No.

832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

96-64-A

Description to Accompany Petition for Variance  
Alsrue Property

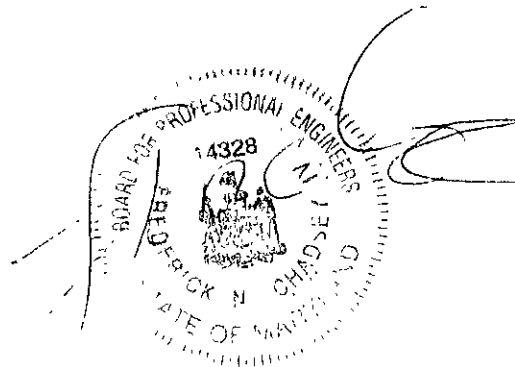
August 22, 1995  
Page -1-

Beginning at a point on the southerly right-of-way of Broadway Road, said point being South 53 degrees 38 minutes 09 seconds West 54.63 feet more or less, from a point formed by the intersection of the centerlines of Broadway Road and Berans Road running thence leaving said point of beginning, along the following 4 courses.

1. South 46 degrees 18 minutes 44 seconds East 34.33 feet,
2. Thence along a curve to the right having a radius of 709.12 feet for an arc length of 290.55 feet, said curve being subtended by a chord bearing South 13 degrees 07 minutes 46 seconds West for a distance of 288.52 feet,
3. South 24 degrees 52 minutes 02 seconds West 94.95 feet,
4. North 69 degrees 21 minutes 25 seconds West 231.08 feet,
5. North 10 degrees 57 minutes 14 seconds East 302.08 feet, to a point on the southerly right-of-way of Broadway Road,
6. North 86 degrees 56 minutes 35 seconds East 239.83 feet, to the point of beginning.

Containing 2.115 Acres of land more or less.

**Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.**



MICROFILMED

# 85

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

*96-64-A*

District: *70* Date of Posting: *9/1/95*  
Posted for: *Variance*  
Petitioner: *Fred & Estelle & Gaylord Brooks Realty Co*  
Location of property: *53 Broadway, opposite Beron Rd*  
Location of Signs: *Facing roadway on property being zoned*  
Remarks: \_\_\_\_\_  
Posted by: *[Signature]* Date of return: *9/8/95*  
Number of Signs: *1*

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

*004616*

DATE *8/24/95* ACCOUNT *96-64-A 01-615*  
Item: *85*  
By: *mick* AMOUNT *\$ 85.00*

RECEIVED FROM: *Gaylord Brooks Realty Co., Inc. - A/Srhc Property*  
*010- Res Var - \$ 50.00*  
*050- 1 sign posting - \$ 35.00*  
FOR: *\$ 85.00*

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 85

Petitioner: Gaylord Brooks Realty Co, Inc.

Location: South Side of Broadway Rd  
opposite Berens Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Bachlight/Paul K. Gilman (Wh. Lateral, Taylor, + Preston)

ADDRESS: 400 Court Towers

210 W. Pennsylvania Ave, Towson, MD 21204

PHONE NUMBER: 832-2000

MICROFILMED

TO: PPTOXENT PUBLISHING COMPANY  
Septebmer 7, 1995 Issue - Jeffersonian

Please foward billing to:

G. Scott Barhight, Esq.  
Whiteford, Taylor & Preston  
400 Court Towers  
210 W. Pennsylvania Avenue  
Towson MD 21204  
832-2000

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-64-A (Item 85)  
S/S Broadway Road, opposite Berans Road  
8th Election District - Councilmanic  
Legal Owner: Gaylord Brooks Realty Co., Inc.  
HEARING: TUESDAY, OCTOBER 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow accessory buildings to be located in the front yard instead of the required rear yard  
and to allow a height of 18 ft. in lieu of the required 15 ft. for one of the accessory structures on Lot  
#8

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 31, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

Project Number: VIII-649

Project Name: Alsruhe Property

Location: S/S Broadway Road, opposite Berans Road

Acres: 29.7 Developer: Frederick J. and Estelle L. Alsruhe

Proposal: 15 single family dwellings.

and

CASE NUMBER: 96-64-A (Item 85)

S/S Broadway Road, opposite Berans Road

8th Election District - Councilmanic

Legal Owner: Gaylord Brooks Realty Co., Inc.

Variance to allow accessory buildings to be located in the front yard instead of the required rear yard and to allow a height of 18 ft. in lieu of the required 15 ft. for one of the accessory structures on Lot #8

HEARING: TUESDAY, OCTOBER 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon

Director

cc: Gaylord Brooks Realty Co., Inc.  
Whiteford Taylor & Preston

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 26, 1995

G. Scott Barhight, Esquire  
David K. Gildea  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 85  
Case No.: 96-64-A  
Petitioner: Alsruhe Property

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 24, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
September 11, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #85 - Alsruhe Property  
Off Broadway Road  
Zoning Advisory Committee Meeting of September 5, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Regulations for Forest Conservation.

Also, see Development Plan comments from September 13, 1995.

JLP:VK:LS:sp

ELSRUHE/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Sept. 15, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for September 11, 1995  
Item No. 085

The Development Plans Review Division has reviewed the subject zoning item. If the variance is granted to allow the existing buildings to remain along the west property line then the proposed 10-foot drainage and utility easement must be relocated to the south property line of Lot #8.

RWB:sw

RECORDED



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 085 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* 

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 1, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91<sup>13</sup>

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Carol Kerns*

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

*Case 96-64-A  
ZAC Comments*

DATE: 10/02/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 5, 1995.

Item No.: SEE BELOW

Zoning Agenda:

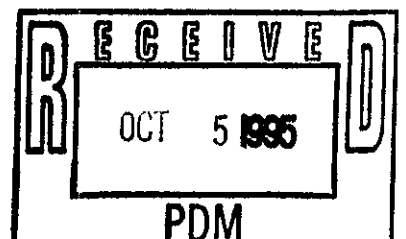
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 81, 82, 83, 84, 85, 86, 87, 88, 90, 91 AND 92. *A*

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



WHITEFORD, TAYLOR & PRESTON  
L.L.P.

SEVEN SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202-1626  
TELEPHONE 410 347-8700  
FAX 410 752-7092

DAVID K. GILDEA  
DIRECT NUMBER  
410 832-2066

210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515

410 832-2000  
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW  
WASHINGTON, D.C. 20036-5405  
TELEPHONE 202 659-6800  
FAX 202 331-0573

1317 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2928  
TELEPHONE 703 836-5742  
FAX 703 836-0265

August 23, 1995

Mr. Arnold Jablon  
Director, Zoning Administration and  
Development Management Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

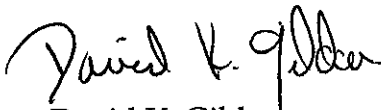
**Re: Alsruhe subdivision (R.C. 5)**

Dear Mr. Jablon:

Enclosed please find a Petition for Variance for filing in the above-referenced matter. The filing of the Petition for Variance is in conjunction with the filing of the Development Plan, and as such, we request a combined hearing on the two.

Thank you.

Very truly yours,

  
David K. Gildea

DKG:dmk

cc: G. Scott Barhight, Esquire

49718

# 85

MICROFILMED



BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENT  
FROM: PDM - ZONING REVIEW

DPC DATE: 9/13/95  
10:30 a.m., Room 123  
HOH DATE: 10/3/95  
2:00 p.m., Room 118

PROJECT NAME: **Alsruhe Property**

PLAN DATE: 6/28/95

LOCATION: S/S Broadway, directly across  
from S/end of Berans Road  
(#1601 Broadway Road)

REV.:

DISTRICT: 8c3

PROPOSAL: 15 Single Family Homes  
in a R.C.-5 Zone

REVISED PLAN KEY:  
(X) COMPLIANCE WITH COMMENT CHECKED  
(O) NON-COMPLIANCE IS CIRCLED  
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT  
PLAN APPROVAL, BUT MUST BE ADDRESSED  
PRIOR TO FINAL ZONING APPROVAL)  
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of note #1, has been found to be in general compliance with the Baltimore County Zoning Regulations (BCZR). The following additional advisory comments are generalized for the concept plan and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

1. Lot #15 has 2 single family dwellings on it. Only one house is allowed per lot. One of them must be removed or a special hearing may be applied for, to request the retention of both dwellings. Alternatively, systems that render a dwelling habitable may be removed from one of the houses and a variance to height applied for to request that one of the structures remain as a detached accessory structure.

  
JOHN R. ALEXANDER  
Planner II

JRA:scj



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 18, 1997

Mr. Colin Kness  
1601 Broadway Road  
Lutherville, MD 21093

RE: Zoning Verification  
1601 Broadway Road  
Zoning Case #96-64-A  
8th Election District

Dear Mr. Kness:

Enclosed please find a copy of zoning order 96-64-A, the zoning review comments, and a portion of Petitioner's Exhibit #1. Section 1A04.3.B.6 (also enclosed) allows only one dwelling per lot in a R.C.-5 zone. There are no provisions for guest houses or servant dwellings. The only exemption is for dwellings for bona fide tenant farmers. Because the new lot is less than the minimum three acres needed to be considered a farm (definition enclosed), there can be no need for a tenant farmer. This was recognized during the zoning review of the development plan and the developer petitioned to have the status changed to an accessory structure and requested relief from the regulations which govern such uses. As you can see on the approved development plan, the kitchen was to be removed and the use as a residence was assumed to have been changed to an accessory structure. As such, this structure can not be used as a dwelling and the kitchen should have been removed.

Your only other option would be to file for a special hearing before the zoning commissioner to establish this use as a legal non-conforming use and to have the status reinstated as a dwelling. You would need to establish that the reduction in acreage from 30 acres to 2 acres did not constitute a change. You would also need to amend the development plan and the final development plan and the record plat.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Catherine A. Milton".

Catherine A. Milton  
Planner I, Zoning Review

CAM:scj

Enclosures

c: Zoning Case #96-64-A  
Development File VIII-649

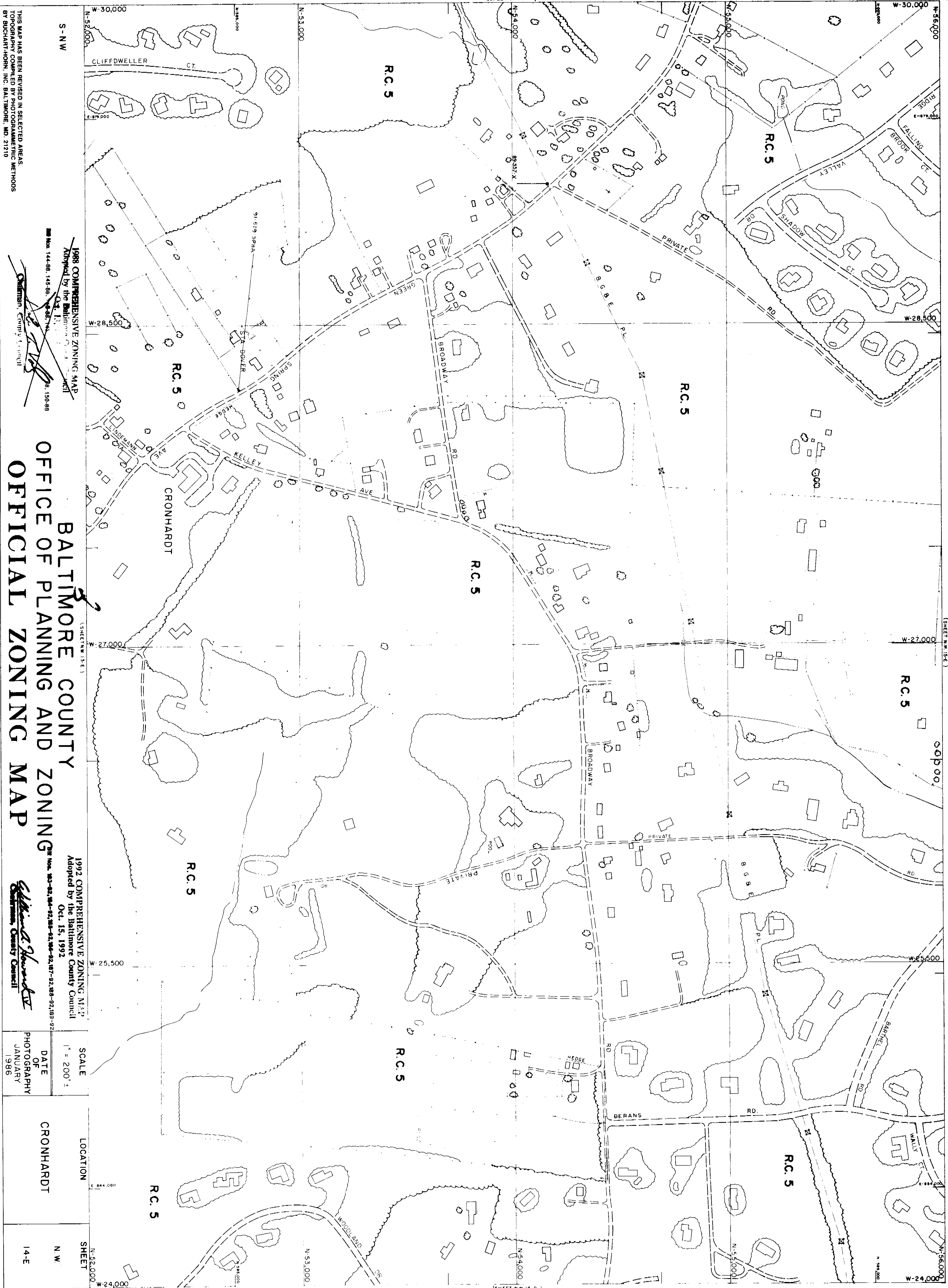


Printed with Soybean Ink  
on Recycled Paper









**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHANT-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 1992 Comprehensive Zoning Map  
 Adopted by the Baltimore County Council  
 1992 Comprehensive Zoning Map  
 Adopted by the Baltimore County Council

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 1992 Comprehensive Zoning Map  
 Adopted by the Baltimore County Council  
 1992 Comprehensive Zoning Map  
 Adopted by the Baltimore County Council

SCALE  
 1" = 200'  
 DATE  
 OF PHOTOGRAPHY  
 JANUARY 1986  
 LOCATION  
 CRONHARDT  
 SHEET  
 14-E

# 96-64-A



[illegible]

| Map Symbol | Soil Series | Horsetail/Lamb's-ear | Specific System | Hydric % Value | County List |
|------------|-------------|----------------------|-----------------|----------------|-------------|
| 1A2        | Balk        | Severe               | No              | 0.43           | Wm-2        |
| 2A2        | Ches        | Slight               | No              | 0.32           | Wm-2        |
| 3A2        | Ches        | Slight               | No              | 0.32           | Wm-2        |
| 4A2        | Ches        | Slight               | No              | 0.32           | Wm-2        |
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| 87. MAP SOURCE       | 0.00 |
| 88. MAP DATE         | 0.00 |
| 89. MAP SCALE        | 0.00 |
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| 91. MAP DATE         | 0.00 |
| 92. MAP SCALE        | 0.00 |
| 93. MAP SOURCE       | 0.00 |
| 94. MAP DATE         | 0.00 |
| 95. MAP SCALE        | 0.00 |
| 96. MAP SOURCE       | 0.00 |
| 97. MAP DATE         | 0.00 |
| 98. MAP SCALE        | 0.00 |
| 99. MAP SOURCE       | 0.00 |
| 100. MAP DATE        | 0.00 |

**TYPICAL PARKING LAYOUT**

The diagram illustrates a cross-section of a parking area. It shows a 'PARKING' area on the left, a 'DRIVEWAY' in the center, and a 'SIDEWALK' on the right. The 'CUT & FILL' areas are indicated by dashed lines and labels. The 'CUT & FILL' label is repeated twice, once for each side of the driveway.

A detailed floor plan of the first floor of the building. The plan shows a large central hall with a staircase labeled 'STAIRS' and a 'RESTROOM'. To the left of the hall is a 'RECEPTION' area. To the right is a 'CONFERENCE' room. At the bottom of the plan is a 'KITCHEN' area. The plan is labeled 'FLOOR PLAN' and 'FIRST FLOOR'.

TO: DIRECTOR, DNR

FROM: [REDACTED]

SLOPES > 25 %

EXISTING STREAM

EXISTING WOODS

LAME

SOIL TYPES

PROPOSED DWELLING

WELL AREAS

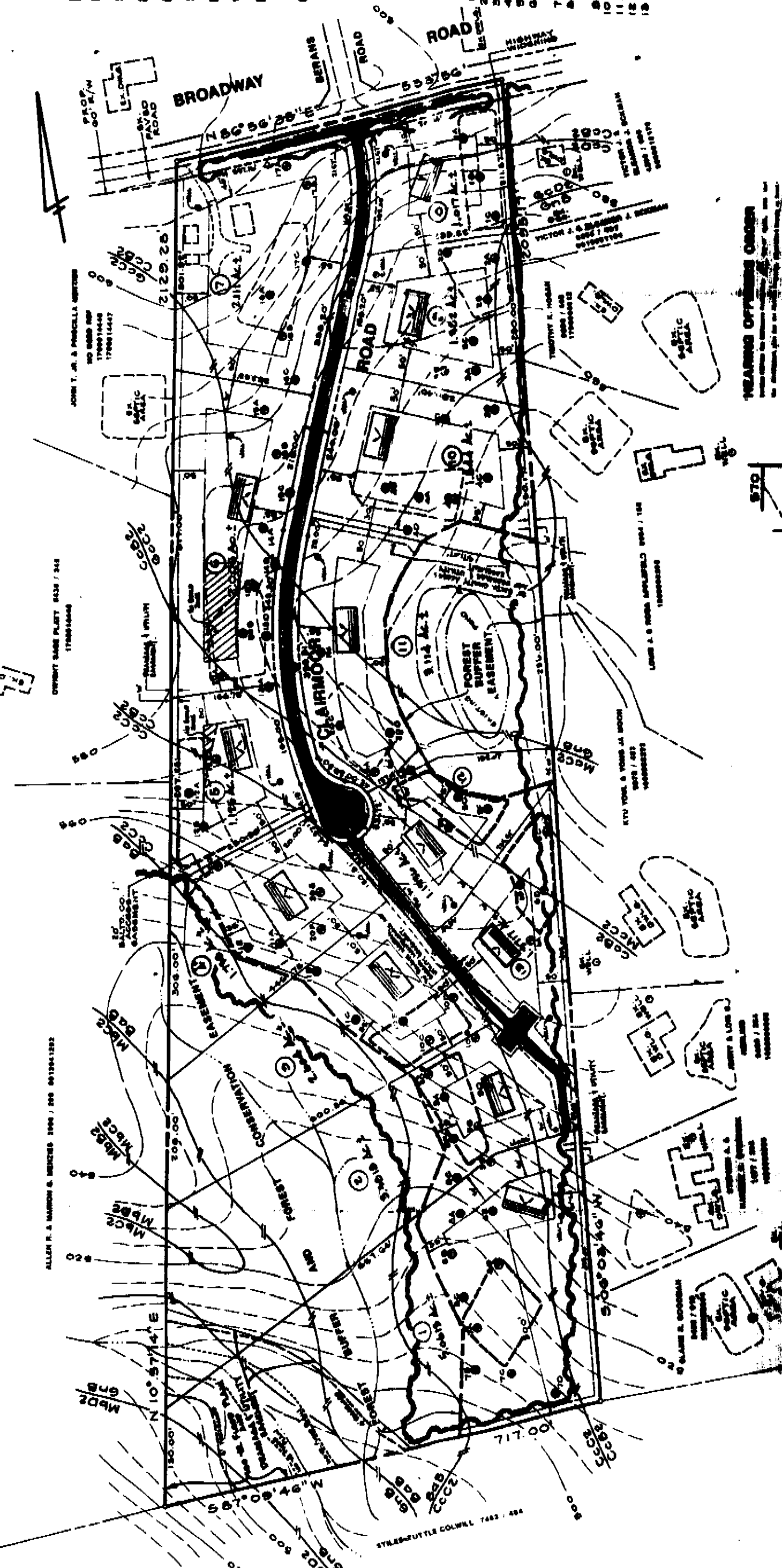
PERC TEST

PROP. SEPTIC AREA

DATE: [REDACTED]

BY: [REDACTED]

1. GROSS TRACT : 40,996.01  
2. SUBDIVIDED : 54  
3. EXISTING ZONING : R.C.-5  
4. REGIONAL PLANNING DISTRICT : 1974  
5. NO. OF LOTS ALLOWED : 18 LOTS  
6. 50,658 X 507 X 19  
7. NO. OF LOTS PROPOSED : 18 LOTS  
8. NO. OF LOTS ACRES REQUIRED : 18 LOTS  
9. PER LOT : 1.000  
10. PARKING SPACES PROPOSED : 57  
11. GROSS AREA : 50,658 AC.±  
12. HIGHWAY WIDENING AREA : 2,750 AC.±  
13. ROAD DEDICATION : 1,000 AC.±  
14. NET AREA OF LOTS : 50,100 AC.±

[illegible]

**FINAL DEVELOPMENT PLAN**

[illegible][illegible]

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[illegible]

The diagram illustrates a typical parking layout. The plan view on the left shows a rectangular parking area with a 'DRIVE' lane on the left, a 'TRUCK LANE' on the right, and a 'PAV. LANE' in the center. A 'CUT' is indicated on the right side. A note specifies: '1. CUT SHOULD BE 1/2" DEEP AND 1/2" WIDE (SEE DETAIL FOR CUT)'. The paving section on the right shows a cross-section of the pavement with a '3" 1/2" CONC. SURFACE' and a '1/2" 1/2" BASE'.

**TYPICAL LOT LAYOUT**

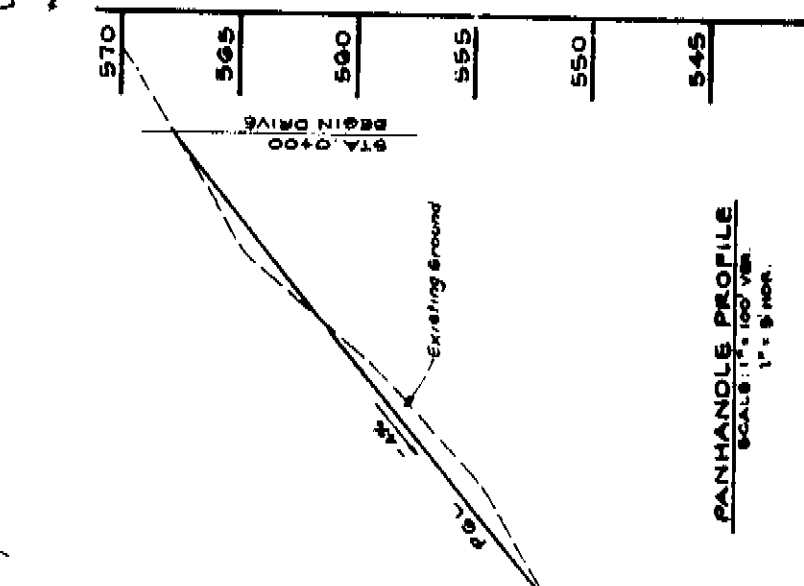
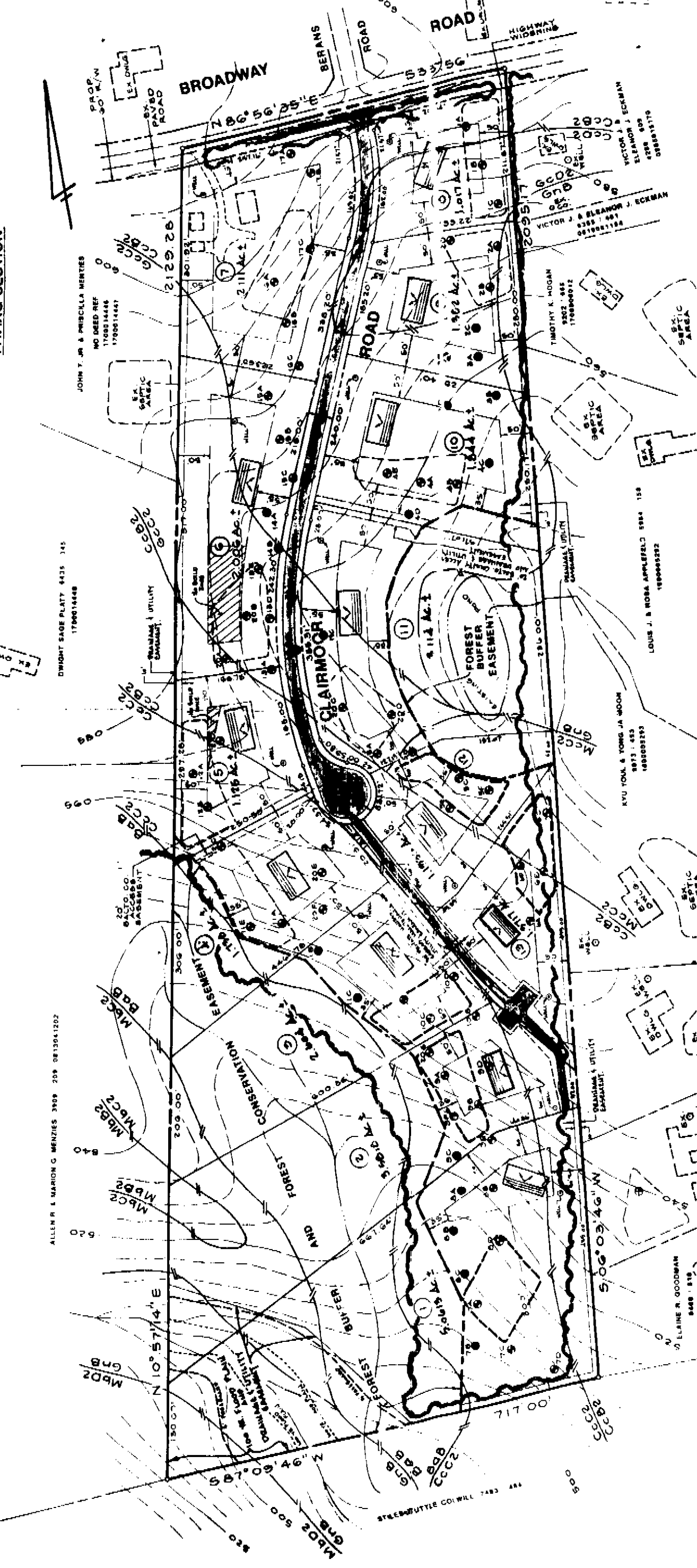
**VICINITY MAP**  
SCALE: 1" = 100'

**LEGEND**

- EXISTING CONTOUR
- SLOPES > 25%
- EXISTING STREAM
- EXISTING WOODS LINE
- SOIL TYPES
- PROPOSED DWELLING
- WELL AREAS
- PERC TEST
- PROP. SEPTIC AREA

**SITE DATA**

1. CENSUS TRACT: 4038.01
2. BLOCK: 34
3. SUBBLOCK: 54
4. REGIONAL PLANNING DISTRICT: 107A
5. ZONING AREA: 28-66A AG-1
6. NO. OF LOTS ALLOWED: 18 LOTS
7. 28-66A AG-1: 19
8. PARKING SPACES REQUIRED: 28-66A AG-1
9. RELOT: 185
10. 28-66A AG-1: 19
11. 28-66A AG-1: 19
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99. 28-66A AG-1: 19
100. 28-66A AG-1: 19

[illegible]

**OWNER**  
FREDRICK A. & ESTELLE L. ALSRUHME  
1601 BROADWAY ROAD  
LUTHERVILLE, MO 21093  
DEED REF. : 5153 / 77  
TAX ACCT. NO. : 0520000400  
( 1 MO PHONE, MO. RES. )

**DEVELOPER**  
BROADWAY ROAD LLC  
C/O GAYLORD BOOKS REALTY CO. INC.  
3512 PAPER MILL ROAD  
PHOENIX AZ 85018  
ATTN: STEVE SMITH

**OFFICE OF PLANNING AND ZONING**  
UNAPPROVED BY

DATE: 10/1/01  
BY: [Signature]  
PLANNING

**FINAL DEVELOPMENT PLAN**  
N.C.  
**CLAIRMOOR**  
( FORMERLY ALSPRING PROPERTY )  
ZADN VIK449  
3 RD COMMERCE DISTRICT

INC.

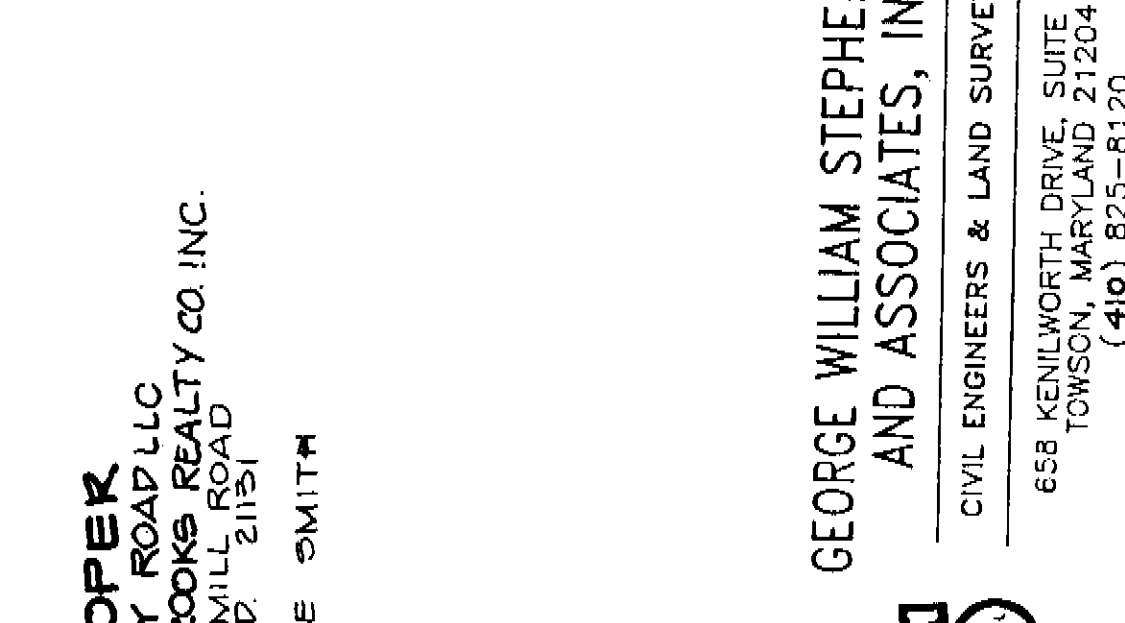
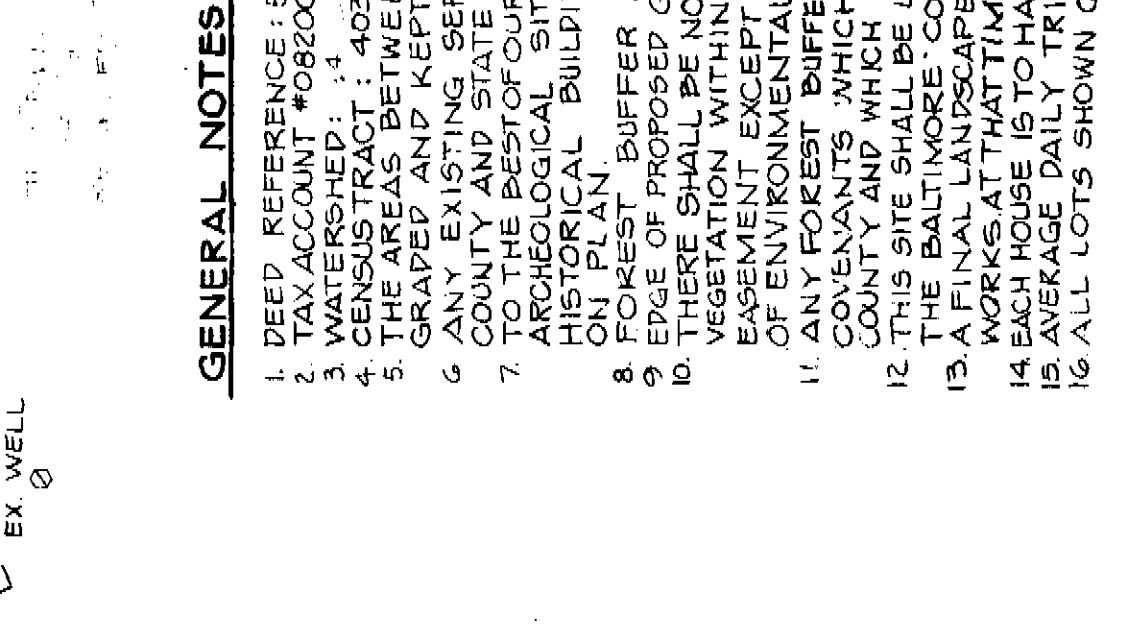
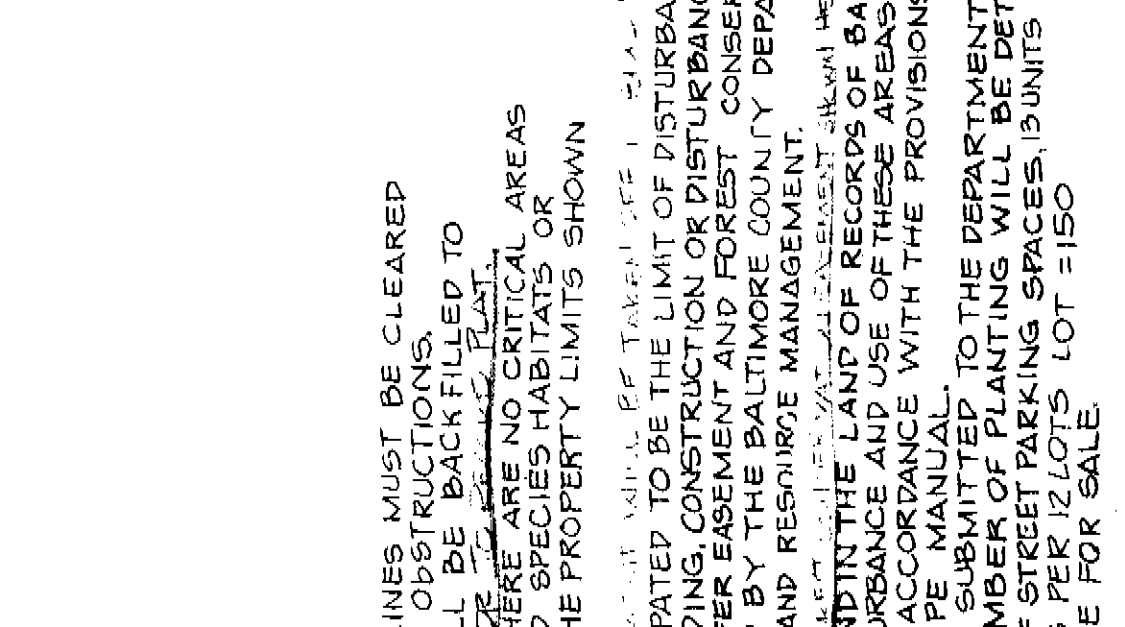
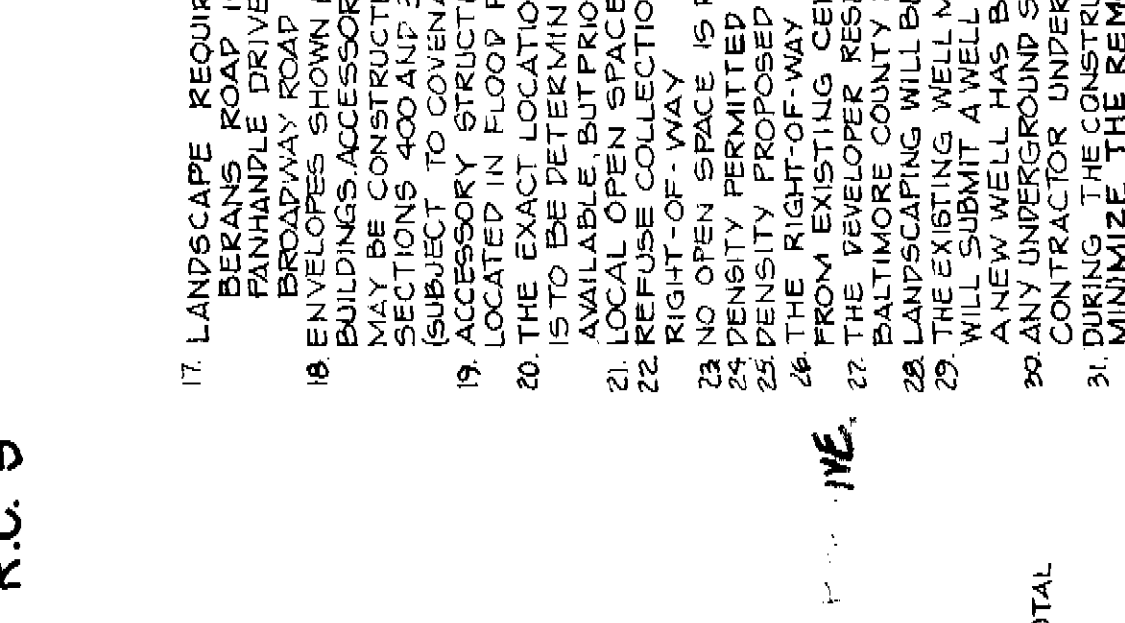
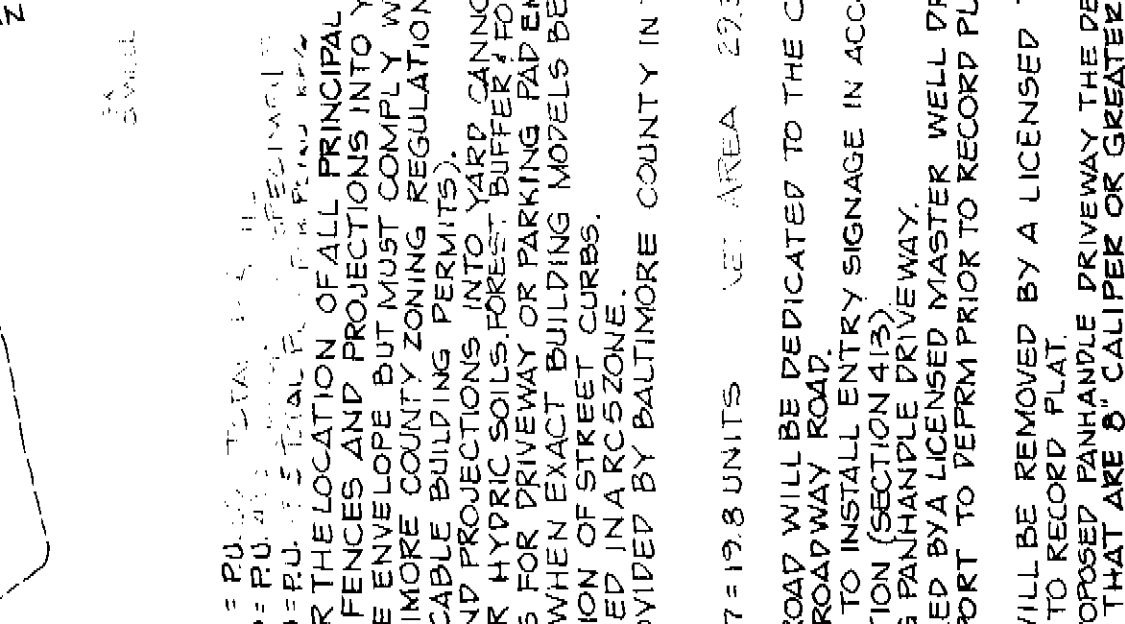
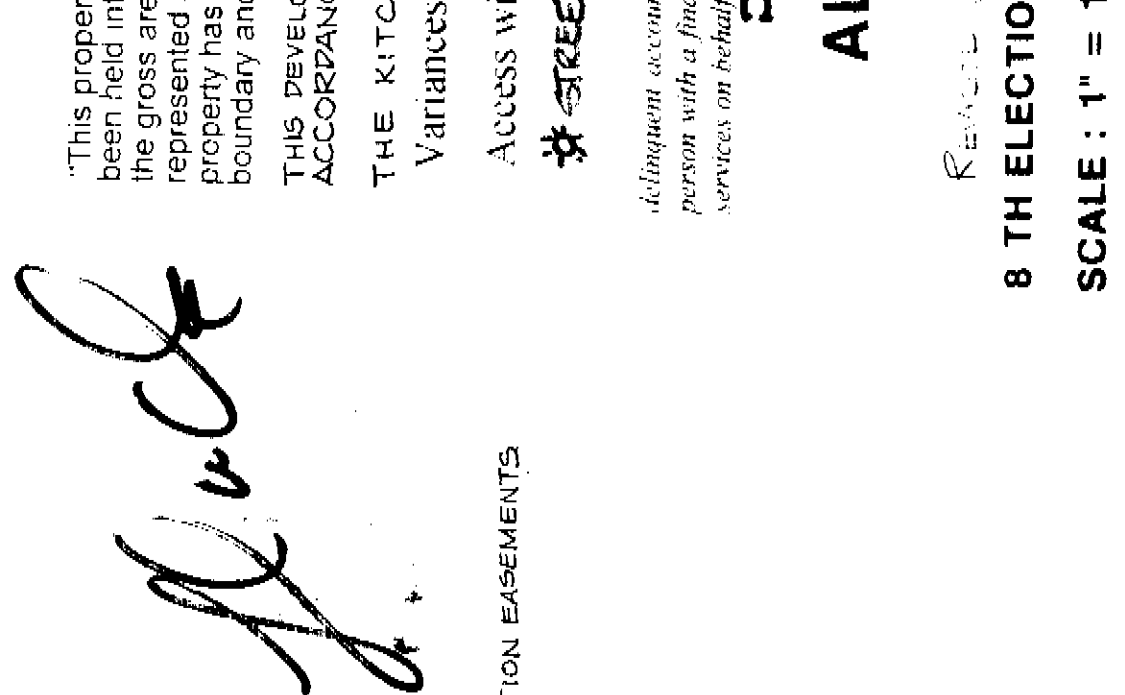
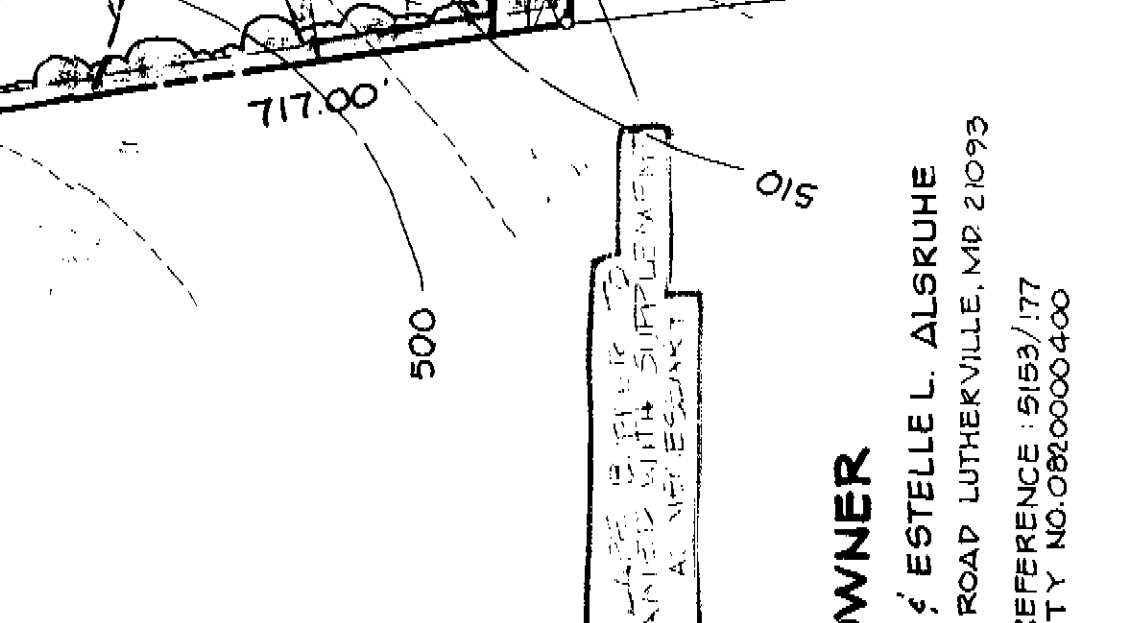
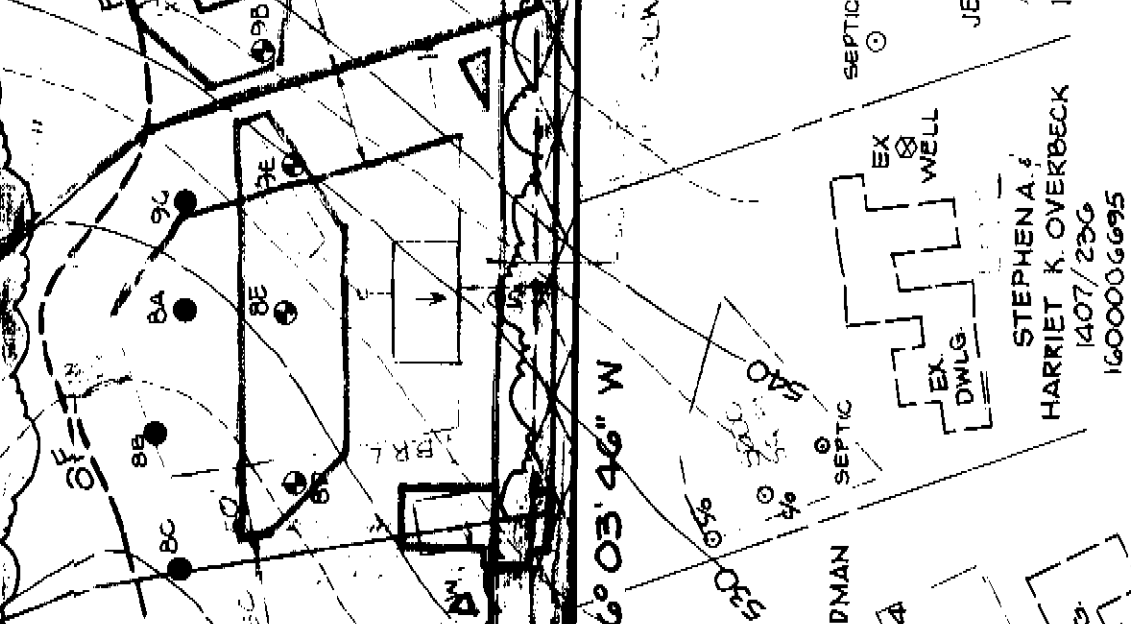
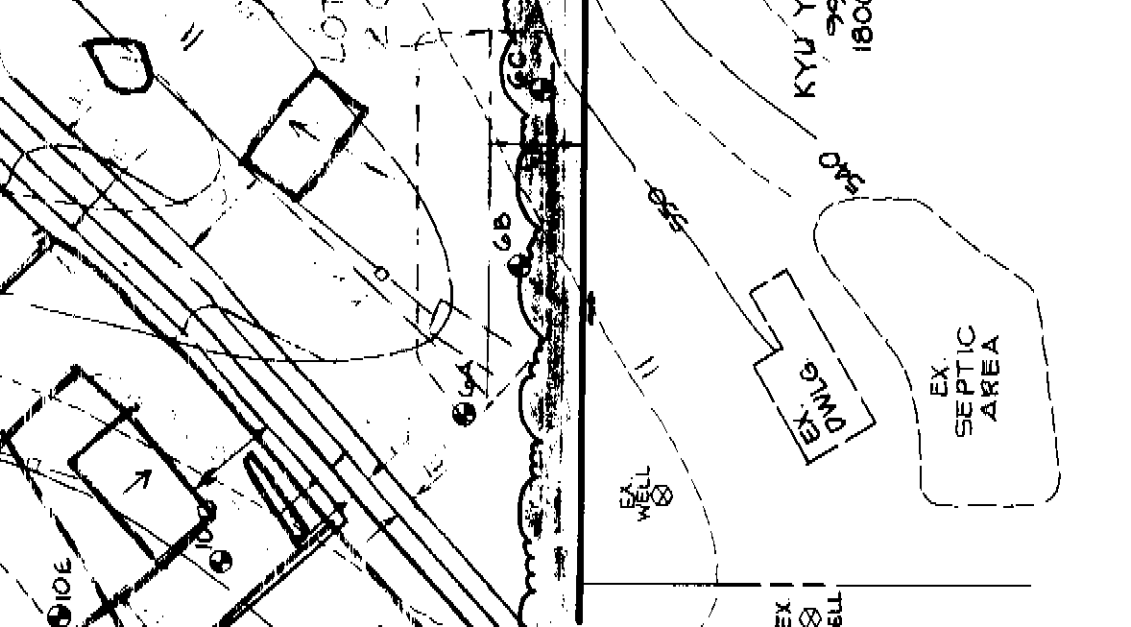
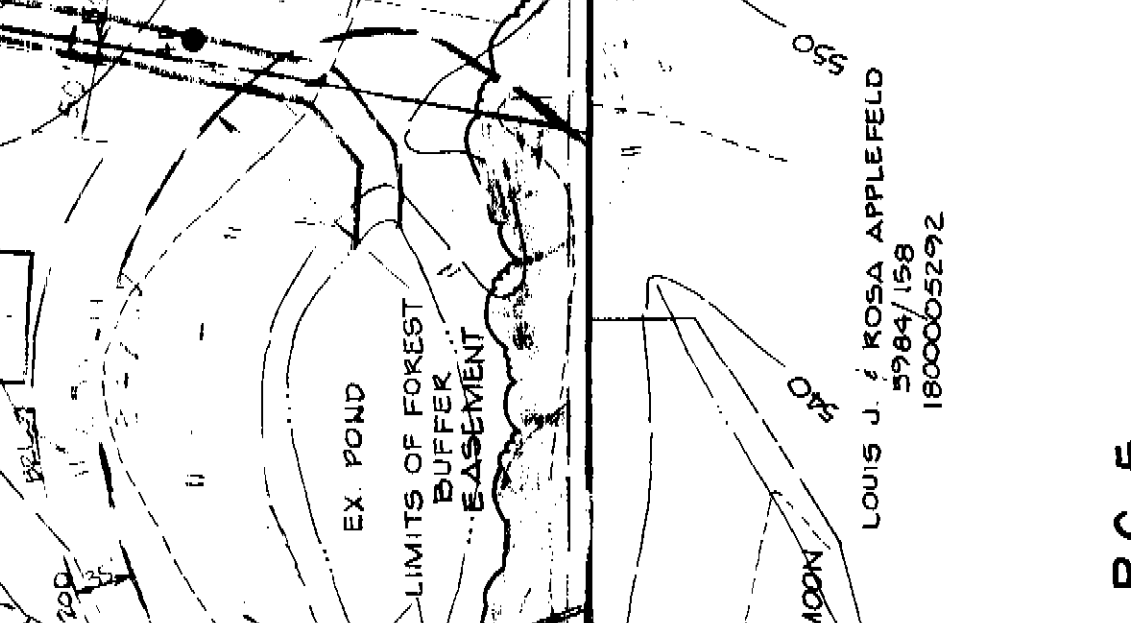
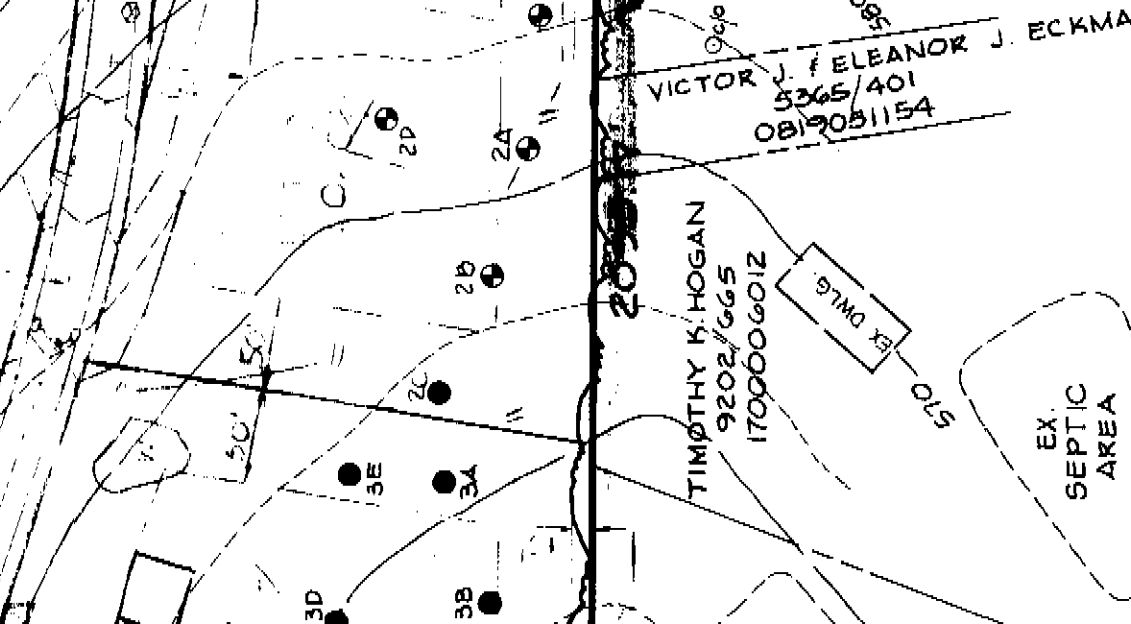
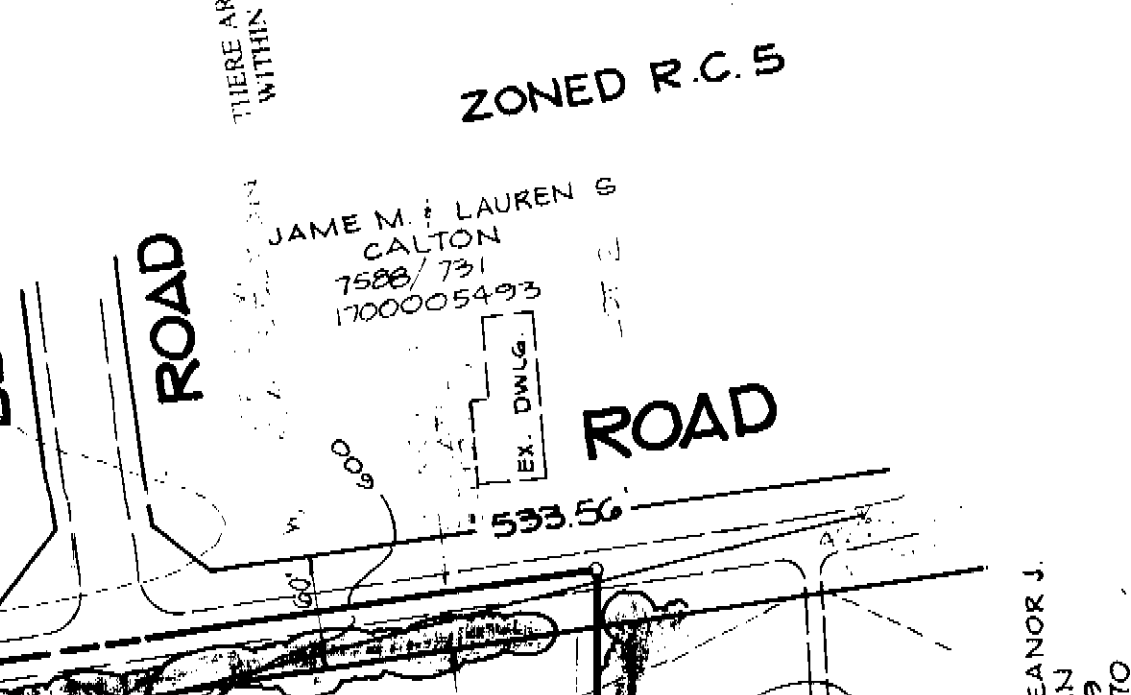
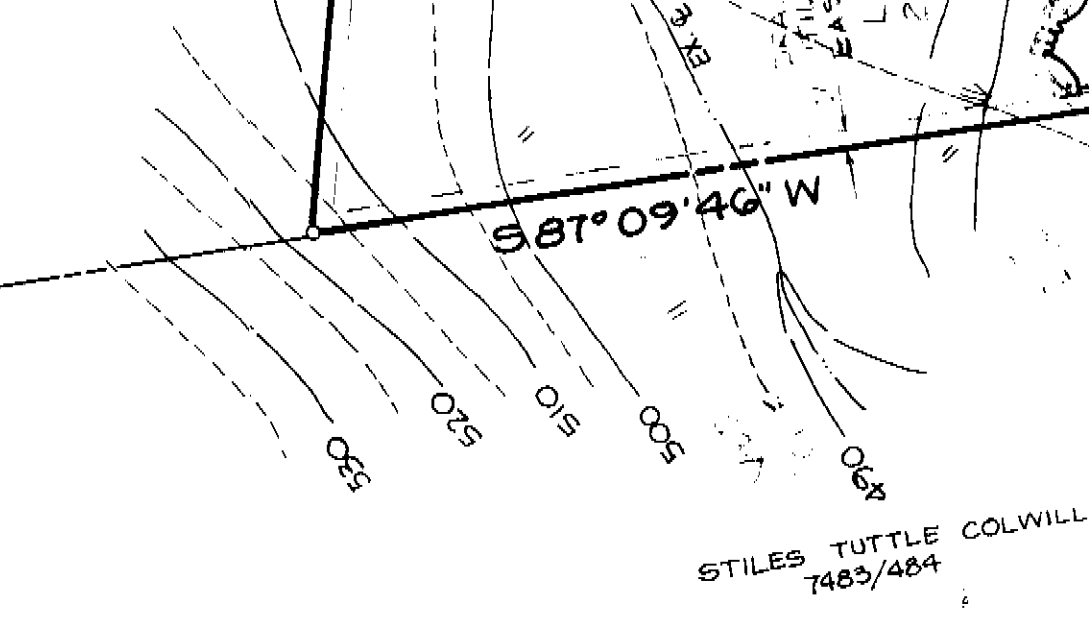
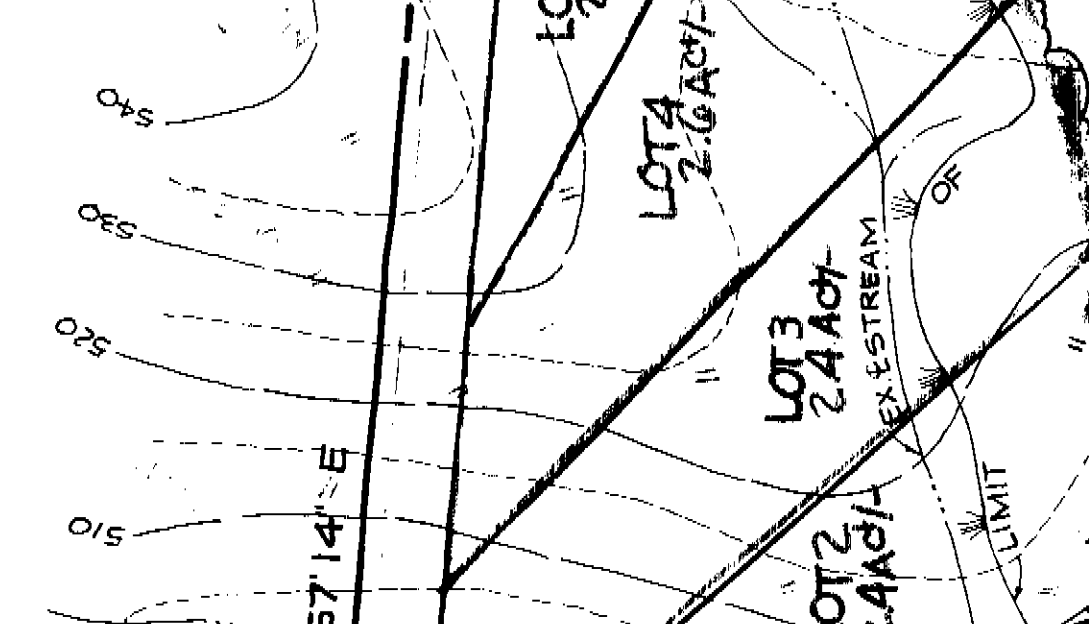
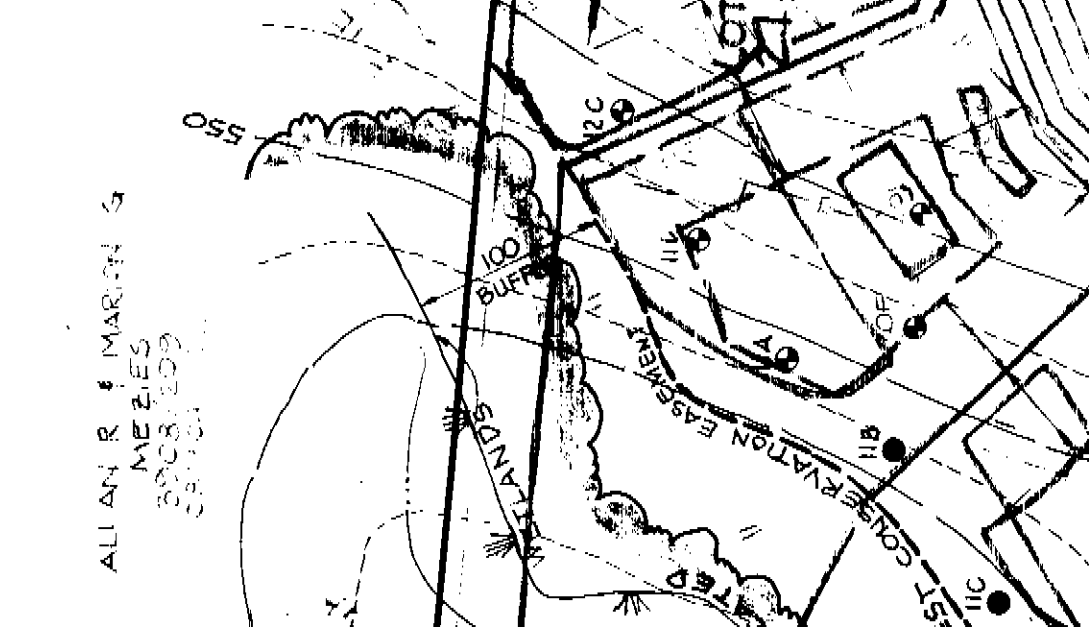
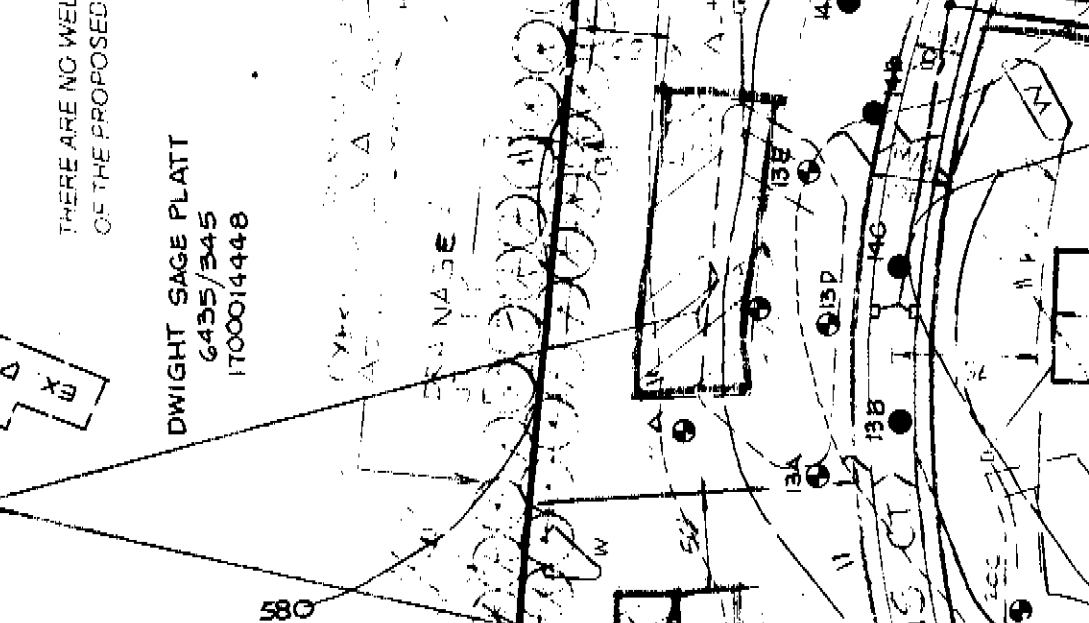
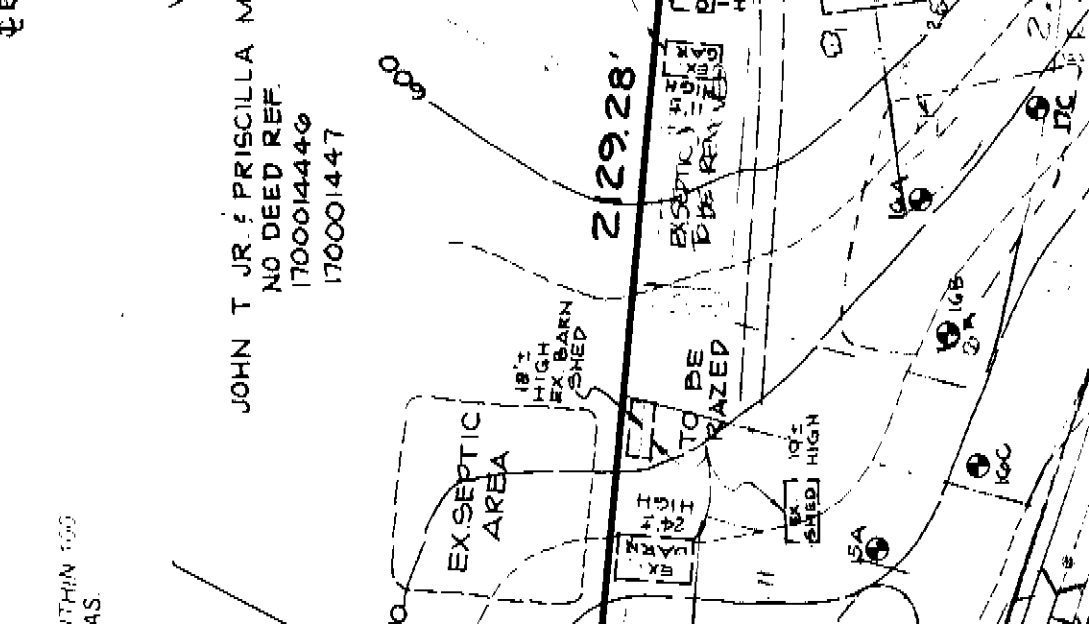
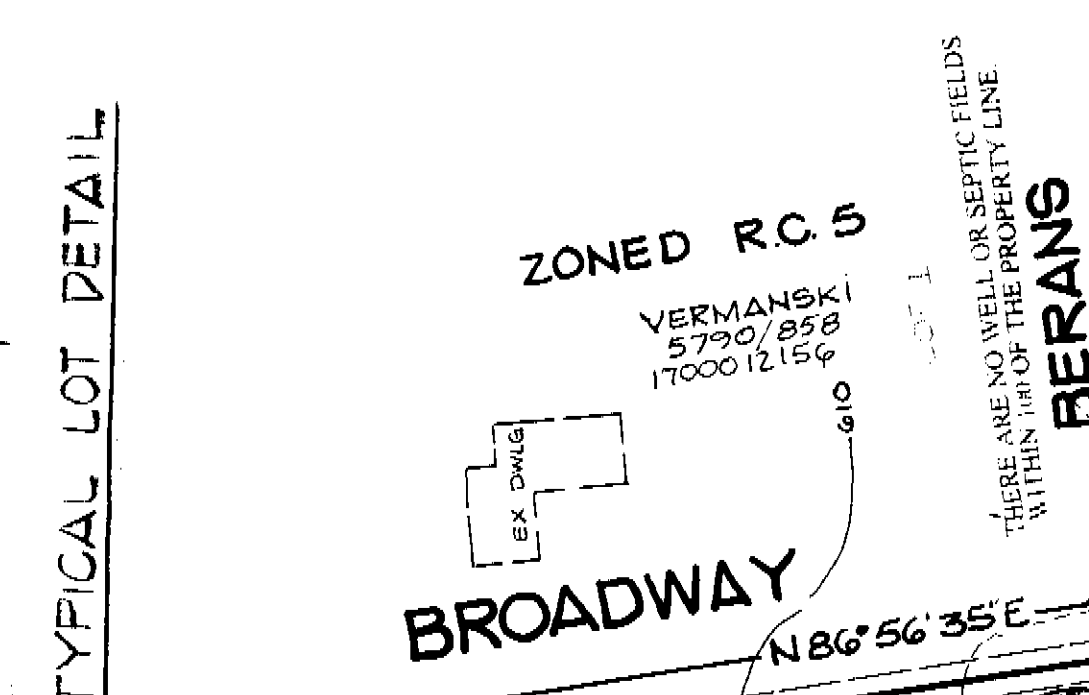
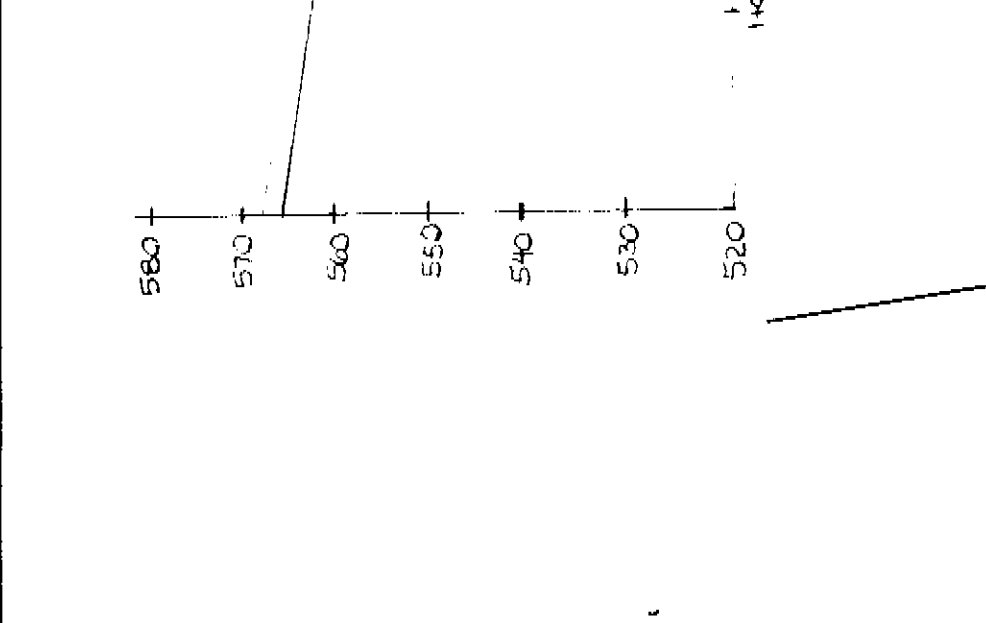
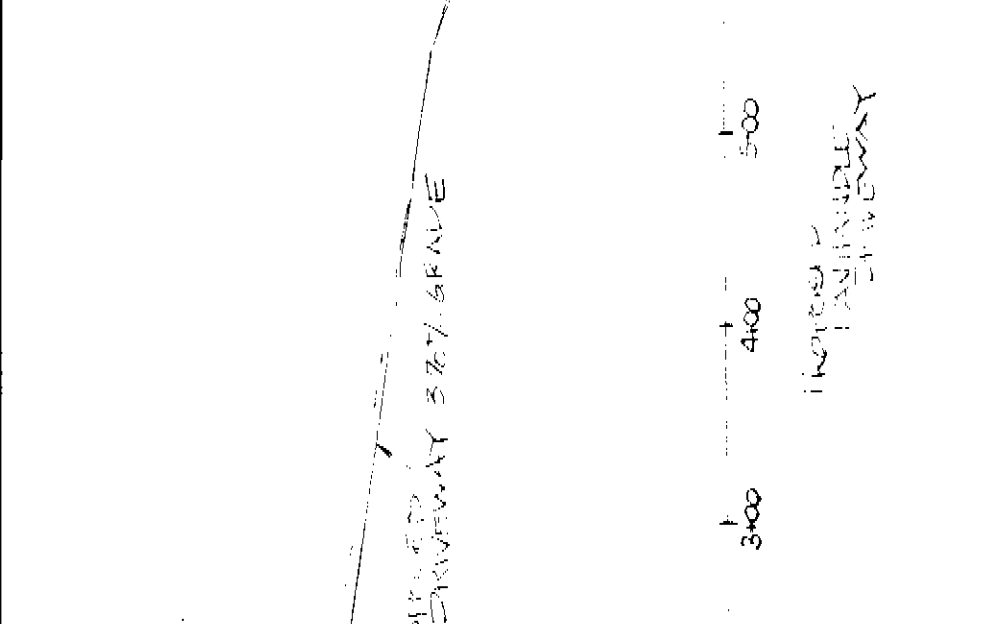
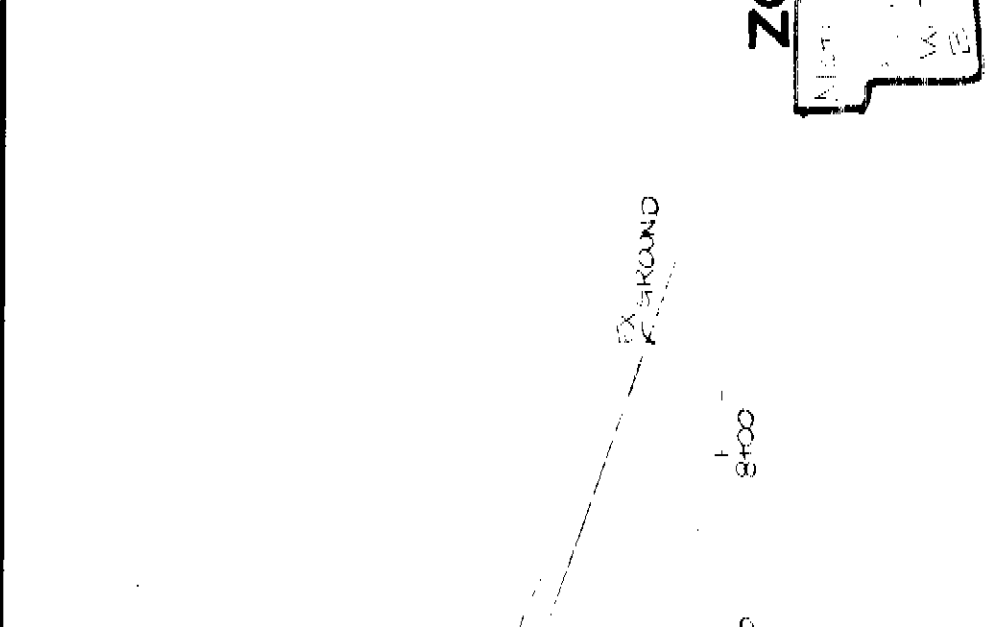
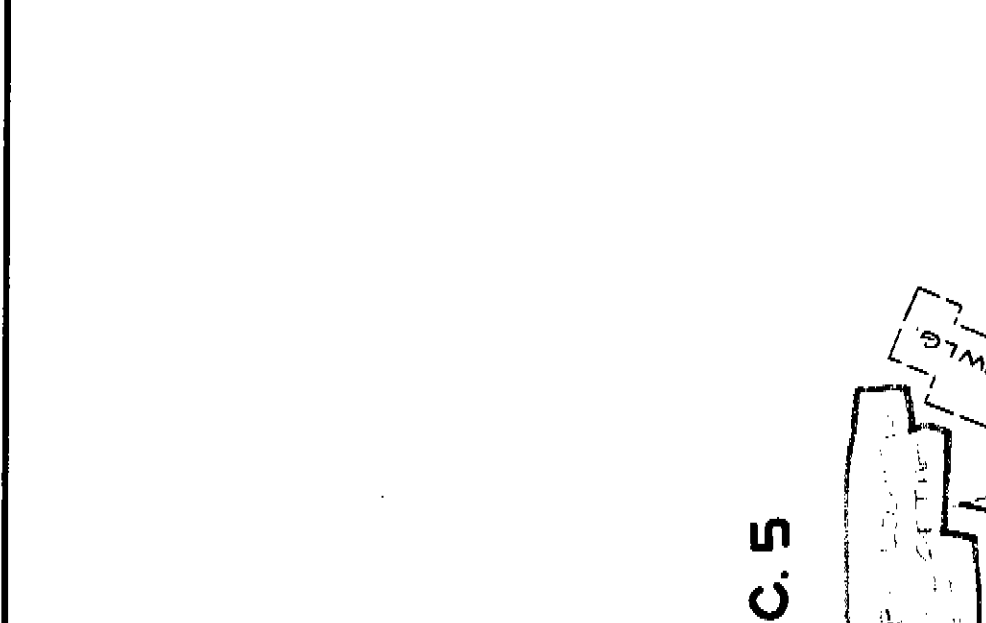
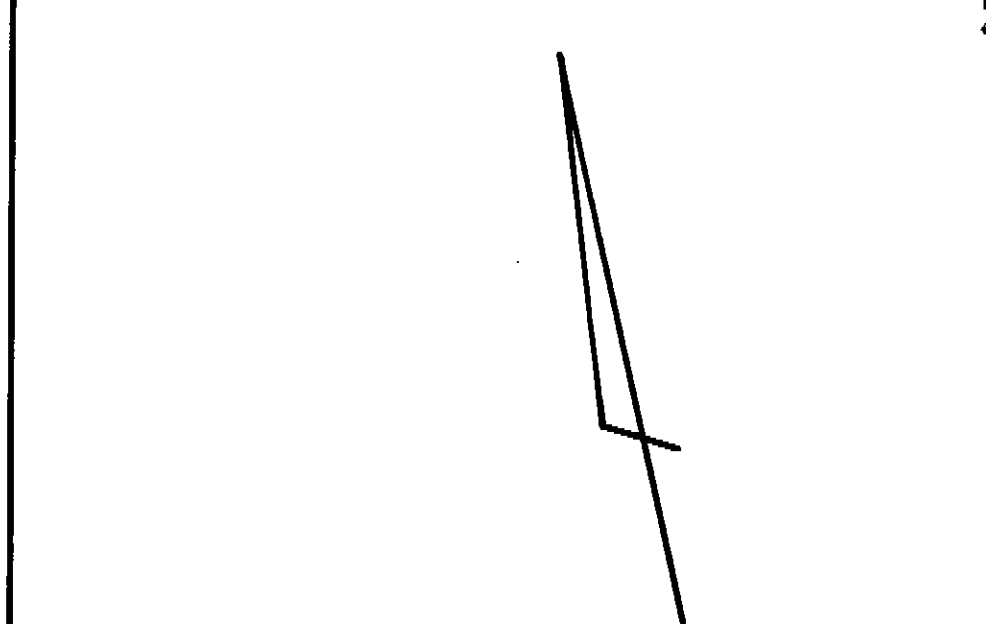
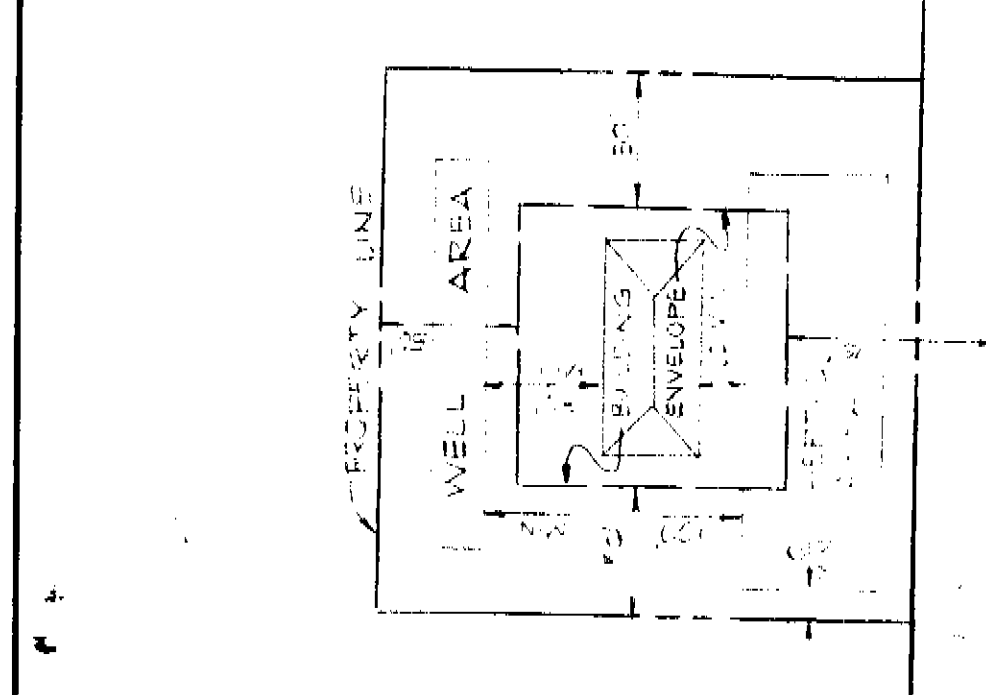




















# GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS ADOPTED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE SYSTEMS THROUGHOUT THE PROJECT.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY POLLUTION OR EROSION CAUSED BY THE CONSTRUCTION.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES DURING CONSTRUCTION.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND VEGETATION.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

11. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE SYSTEMS THROUGHOUT THE PROJECT.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY POLLUTION OR EROSION CAUSED BY THE CONSTRUCTION.

13. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES DURING CONSTRUCTION.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND VEGETATION.

15. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

17. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE SYSTEMS THROUGHOUT THE PROJECT.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY POLLUTION OR EROSION CAUSED BY THE CONSTRUCTION.

19. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES DURING CONSTRUCTION.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND VEGETATION.

## SOILS LIMITATION CHART

| Soil Type | Limitation Factor | Limitation Factor | Limitation Factor |
|-----------|-------------------|-------------------|-------------------|
| CLAY      | 0.10              | 0.10              | 0.10              |
| SAND      | 0.10              | 0.10              | 0.10              |
| GRAVEL    | 0.10              | 0.10              | 0.10              |
| LOESS     | 0.10              | 0.10              | 0.10              |
| PEAT      | 0.10              | 0.10              | 0.10              |
| CLAY      | 0.10              | 0.10              | 0.10              |
| SAND      | 0.10              | 0.10              | 0.10              |
| GRAVEL    | 0.10              | 0.10              | 0.10              |
| LOESS     | 0.10              | 0.10              | 0.10              |
| PEAT      | 0.10              | 0.10              | 0.10              |

## FOREST CONSERVATION DATA

1. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

3. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE SYSTEMS THROUGHOUT THE PROJECT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY POLLUTION OR EROSION CAUSED BY THE CONSTRUCTION.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES DURING CONSTRUCTION.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND VEGETATION.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

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13. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

15. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE SYSTEMS THROUGHOUT THE PROJECT.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY POLLUTION OR EROSION CAUSED BY THE CONSTRUCTION.

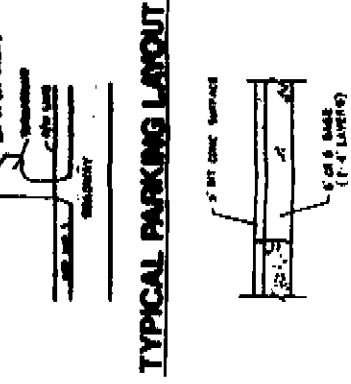
17. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES DURING CONSTRUCTION.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND VEGETATION.

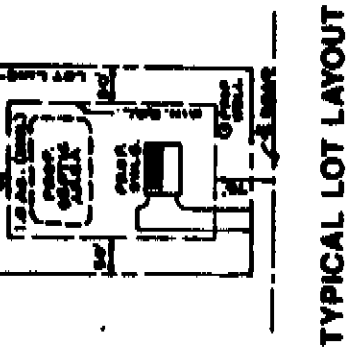
19. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.

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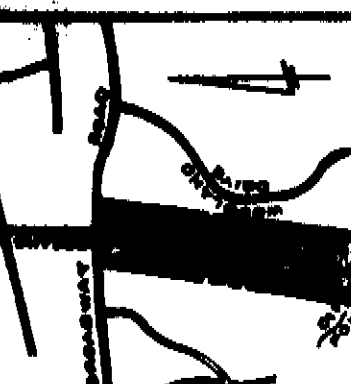
## TYPICAL PARKING LAYOUT



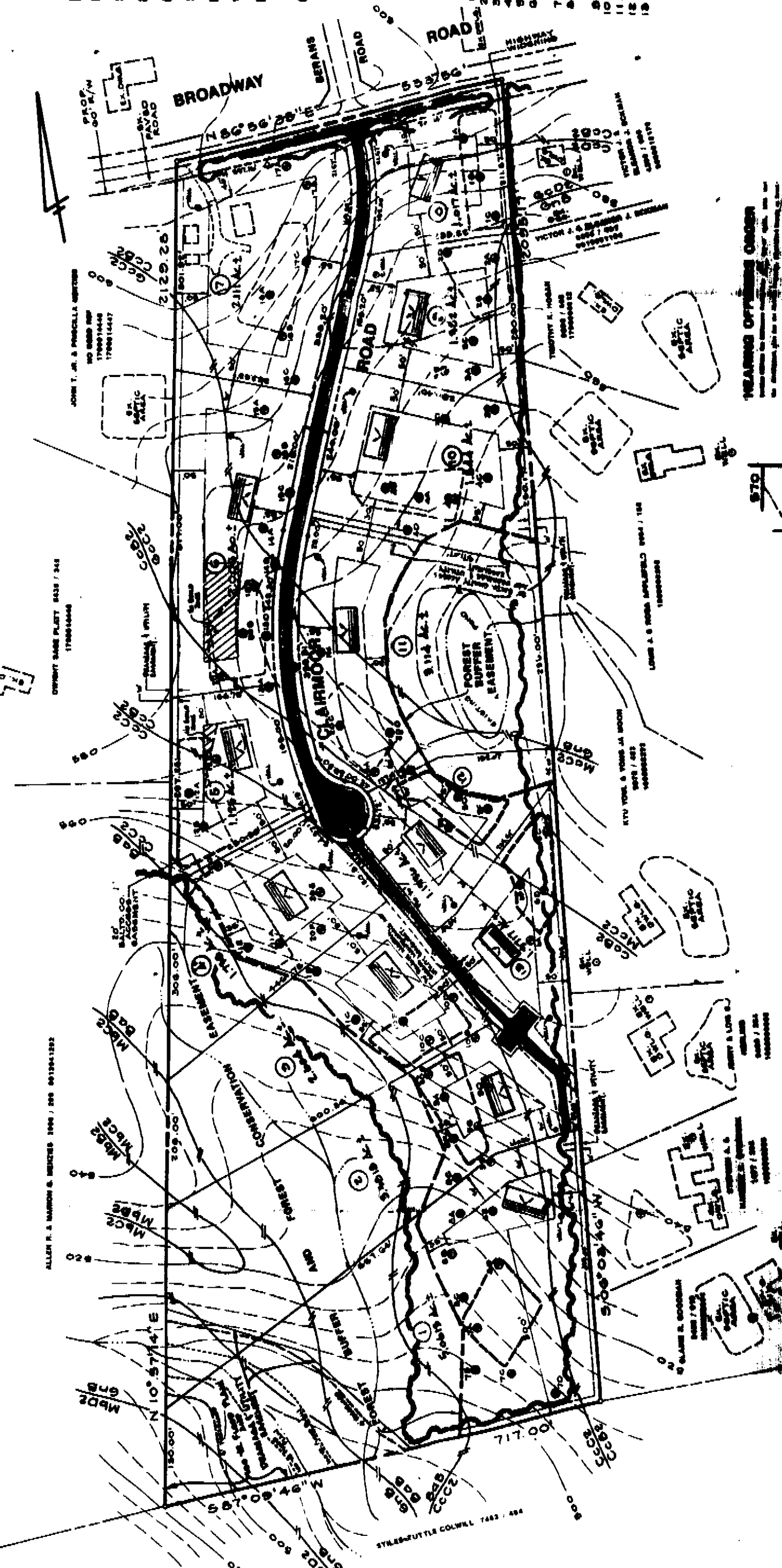
## TYPICAL LOT LAYOUT



## VICINITY MAP



- LEGEND**
- EXISTING CONTOUR
  - SLOPE > 25%
  - EXISTING STREAM
  - EXISTING MOORE LINE
  - SOIL TYPES
  - PROPOSED DWELLING
  - WELL AREAS
  - PERC TEST
  - PROP. SEPTIC AREA
- SITE DATA**
- 1. CENSUS TRACT: 4088.01
  - 2. WATERSHED: 54
  - 3. REGIONAL PLANNING DISTRICT: 107A
  - 4. EXISTING ZONING: R.C.-1
  - 5. EXISTING LOT: 10 LOTS
  - 6. EXISTING LOT: 10 LOTS
  - 7. EXISTING LOT: 10 LOTS
  - 8. EXISTING LOT: 10 LOTS
  - 9. EXISTING LOT: 10 LOTS
  - 10. EXISTING LOT: 10 LOTS
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  - 12. EXISTING LOT: 10 LOTS
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  - 14. EXISTING LOT: 10 LOTS
  - 15. EXISTING LOT: 10 LOTS
  - 16. EXISTING LOT: 10 LOTS
  - 17. EXISTING LOT: 10 LOTS
  - 18. EXISTING LOT: 10 LOTS
  - 19. EXISTING LOT: 10 LOTS
  - 20. EXISTING LOT: 10 LOTS



PREPARED BY: J. J. JONES & ASSOCIATES  
 1001 N. GULF BLVD., SUITE 100  
 MEMPHIS, TENNESSEE 38102  
 PHONE: (901) 525-1100  
 FAX: (901) 525-1101

DATE: 10/1/88  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 APPROVED BY: J. J. JONES

PROJECT: 1001 N. GULF BLVD., SUITE 100  
 CLIENT: J. J. JONES & ASSOCIATES  
 SCALE: 1" = 40' (PLAN)  
 SCALE: 1" = 20' (SECTION)

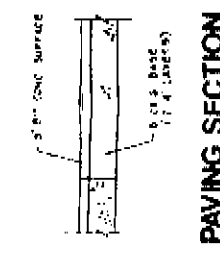
### SOILS LIMITATION CHART

| Map Symbol | Soil Series | Normalizes Limitations | Salpic Systems Limitations | Hydric % Value | Capacity Limit |
|------------|-------------|------------------------|----------------------------|----------------|----------------|
| B/B2       | Baile       | Severe                 | Severe                     | No             | 0.43           |
| C/B2       | Chesler     | Slight                 | Slight                     | No             | 0.32           |
| C/L2       | Chesler     | Slight                 | Slight                     | No             | 0.32           |
| Cu         | Crook       | Severe                 | Severe                     | No             | 0.49           |
| F/C2       | Finney      | Severe                 | Severe                     | No             | 0.12           |
| G          | Good        | Severe                 | Severe                     | No             | 0.12           |
| H          | Hamm        | Severe                 | Severe                     | No             | 0.52           |
| I          | Irrig       | Severe                 | Severe                     | No             | 0.52           |
| J          | Jordan      | Severe                 | Severe                     | No             | 0.52           |
| K          | Kearney     | Severe                 | Severe                     | No             | 0.52           |
| L          | Lewis       | Severe                 | Severe                     | No             | 0.52           |
| M          | Mason       | Severe                 | Severe                     | No             | 0.52           |
| N          | Nelson      | Severe                 | Severe                     | No             | 0.52           |
| O          | Oliver      | Severe                 | Severe                     | No             | 0.52           |
| P          | Parker      | Severe                 | Severe                     | No             | 0.52           |
| Q          | Quinn       | Severe                 | Severe                     | No             | 0.52           |
| R          | Ross        | Severe                 | Severe                     | No             | 0.52           |
| S          | Steele      | Severe                 | Severe                     | No             | 0.52           |
| T          | Taylor      | Severe                 | Severe                     | No             | 0.52           |
| U          | Upton       | Severe                 | Severe                     | No             | 0.52           |
| V          | Vander      | Severe                 | Severe                     | No             | 0.52           |
| W          | Ward        | Severe                 | Severe                     | No             | 0.52           |
| X          | Xavier      | Severe                 | Severe                     | No             | 0.52           |
| Y          | York        | Severe                 | Severe                     | No             | 0.52           |
| Z          | Zimmer      | Severe                 | Severe                     | No             | 0.52           |
| AA         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AB         | Abraham     | Severe                 | Severe                     | No             | 0.52           |
| AC         | Acosta      | Severe                 | Severe                     | No             | 0.52           |
| AD         | Adair       | Severe                 | Severe                     | No             | 0.52           |
| AE         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AF         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AG         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AH         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AI         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AJ         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AK         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AL         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AM         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AN         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AO         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AP         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AQ         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AR         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AS         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AT         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AU         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AV         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AW         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AX         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AY         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| AZ         | Adams       | Severe                 | Severe                     | No             | 0.52           |
| BA         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BB         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BC         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BD         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BE         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BF         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BG         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BH         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BI         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BJ         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BK         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BL         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BM         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BN         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BO         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BP         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BQ         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BR         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BS         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BT         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BU         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BV         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BW         | Baile       | Severe                 | Severe                     | No             | 0.43           |
| BX         | Baile       | Severe                 | Severe                     | No             | 0.43           |

**FOREST CONSERVATION DATA**

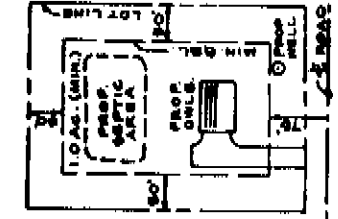
[illegible]

## TYPICAL PARKING LAYOUT

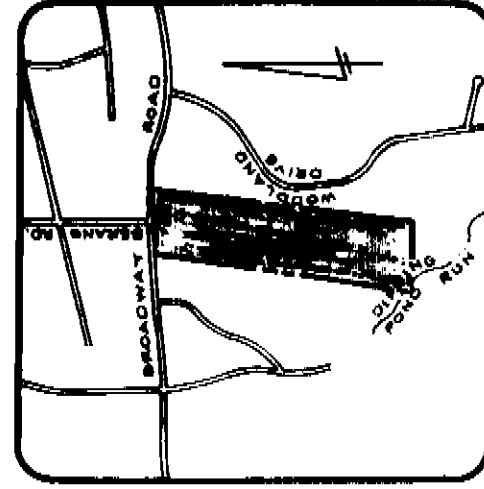


PAVING SECTION

## TYPICAL LOT LAYOUT



### VICINITY MAP



## LEGEND

- 
- LEGEND**
- EXISTING CONTOUR
  - SLOPES > 25 %
  - EXISTING STREAM
  - EXISTING WOODS LINE
  - SOIL TYPES
  - PROPOSED DWELLING
  - WELL AREAS
  - PERC TEST
  - PROP. SEPTIC AREA

## SITE DATA

- CENSUS TRACT: 4056 01  
WATERSHED: 24  
SUBWATERSHED: 781  
REGIONAL PLANNING DISTRICT: WTA  
EXISTING ZONING: R.C.-S  
NO OF LOTS ALLOWED: 19 LOTS  
29,668 SQ.FT. 19  
NO OF LOTS PROPOSED: 19 LOTS  
2 PER LOT SPACES REQUIRED TO SERVE  
PARKING SPACES PROVIDED: 26+  
GROSS AREA: 29,668 AC.  
HIGHWAY WIDENING AREA: 1,860 AC.  
ROAD DEDICATION: 1,116 AC. 1  
NET AREA OF LOTS: 28,184 AC. 2
- \* lots 1 & 2, adjacent to lot 4, have been shown as "outlots" for agricultural subdivision.

# FINAL DEVELOPMENT PLAN

**CLAIRMOOR**  
( FORMERLY ALSRUHE PROPERTY )

ZADM VM-649  
3 RD CONGRESSMAN DISTRICT  
BALTIMORE CO., MARYLAND  
THE

## OFFICE OF PLANNING AND ZONING

APPROVED: *[Signature]*  
DATE: *10/10/01*

**INC.**

**0000Z 060773**

## OWNER

FREDRICK J. & ESTELLE L. ALSRUHE  
1801 BROADWAY ROAD  
LUTHERVILLE, MO 21093  
DEED REF.: 5153 / .77  
TAX ACCT. NO.: 0820000400

DEVELOPER  
HAWAY MOAD LLC

C/O GAYLORD BROOKS REALTY CO. INC.  
2312 RAPER LN | BOAC

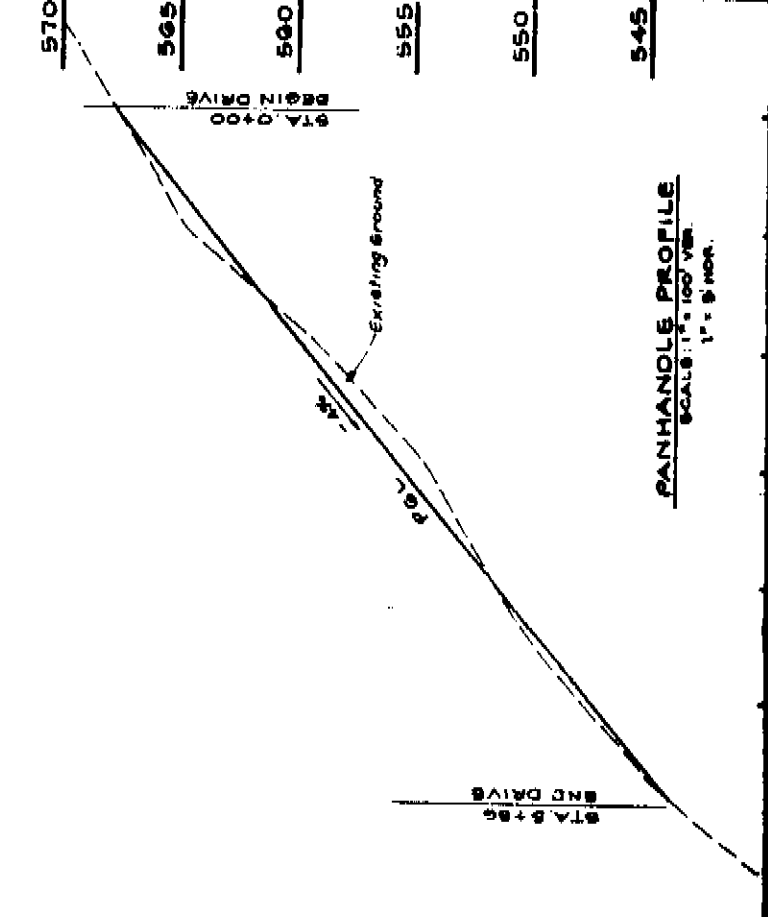
## OFFICE OF PLANNING AND ZONING

APPROVED: *[Signature]*  
DATE: *10/10/01*

### PANHANDLE PROFILE

SCALE: 1" = 100' VER.  
1" = 5' HOR.

**HEARING OFFICERS ORDER**

[illegible]











IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE for the Alsrube Property, 345 Broadway Road, opposite Strass Road (1601 Broadway Road) 3rd, Election District 3rd Councilmanic District

\* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. VIII-649 & 96-64-A

Frederick J. Alsrube, et ux. Owners/  
Broadway Road LLC c/o Gaylord Brooks Realty Co., Developer

#### HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by D. S. Thaler and Associates, Inc., for the proposed development of the subject property by Frederick J. Alsrube and his wife, Estelle L. Alsrube, Owners, and Broadway Road LLC, c/o Gaylord Brooks Realty Co., Developers, with 13 single family dwellings, in accordance with the development plan which has been identified herein as Developer's Exhibit 3. In addition to development plan approval, the Owners/Developers seek relief, pursuant to the revised Petition for Variance, from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory buildings on proposed Lot 7 to be located in the front yard in lieu of the required rear yard, and to permit a height of 18 feet in lieu of the maximum permitted 15 feet for one of those accessory structures, and from Section 1A04.3.B.3 of the B.C.Z.R. to permit a building to lot line setback of 5 feet in lieu of the required 50 feet for an existing accessory structure(s) on proposed Lot 7. The subject property and relief sought are more particularly described on the site plan/development plan marked as Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were Stephen R. Smith and Thomas R. Moore, representatives of Gaylord Brooks Realty Company, Inc., Developer, Rick Chadsey and James Markle with G. W.

Stephens, Jr. and Associates, Inc., the engineering firm which prepared the original development plan/site plan for this project. Scott McGuire, an environmental consultant, and G. Scott Barhight, Esquire, attorney for the Owners/Developers. In addition, numerous representatives of the various Baltimore County reviewing agencies attended the hearing. Several residents from the surrounding community appeared as Protestants, including Harold H. Burns, Jr., Esquire, who appeared on behalf of himself as well as the Falls Road Community Association, the Greenwood Community Association, Margaret V. Burns, and Scott and Susan Fine. Also appearing in opposition to the project was J. Carroll Holzer, Esquire, who appeared on behalf of Stiles T. Colwill, an adjoining property owner. Also appearing on behalf of Mr. Colwill was David S. Thaler, Professional Engineer, who prepared the development plan which was accepted and marked into evidence as Developer's Exhibit 3.

As to the history of this project, the concept plan conference for this development was conducted on January 30, 1995. As required, a Community Input Meeting (CIM) was held on February 28, 1995 at the Padonia International School. A second CIM was held on March 21, 1995 at the St. Paul's School. Subsequently, a development plan prepared by George W. Stephens, Jr. and Associates, Inc. was submitted and a conference held thereon on September 13, 1995. Following the submission of that plan, the appropriate reviewing agencies of Baltimore County submitted comments and a revised development plan incorporating these comments was submitted at the first Hearing Officer's hearing held before me on November 8, 1995. That plan was accepted and marked into evidence as Developer's Exhibit 1, or Plan A, and proposed a 12-lot subdivision.

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At the first Hearing Officer's Hearing, I attempted to determine what, if any, agency comments remained unresolved. On behalf of the Developer, Rick Chadsey testified that all issues raised within the comments submitted by the various Baltimore County reviewing agencies had been resolved and incorporated into the revised development plan prepared by George W. Stephens, Jr. and Associates, Inc., marked as Developer's Exhibit 1 (Plan A). However, there were some unresolved issues raised by the other parties present and a continuance of the hearing was requested to allow additional time to resolve those issues.

It should be noted, however, that an agreement was reached resolving some of those issues raised at the first hearing on November 8, 1995. A copy of this agreement, identified herein as "Agreement 1" was submitted and accepted into evidence as Developer's Exhibit 2. This agreement consists of a detailed compact of certain terms and conditions, and a Declaration of Covenants, Conditions and Restrictions for the Alsrube Property. Agreement 1 was signed by all parties thereto by cover letter dated November 2, 1995 prepared by Stephen R. Smith, President of Gaylord Brooks Realty Company, Inc. An amended "Agreement 1" was signed by all parties hereto by cover letter dated March 6, 1996, prepared by Stephen R. Smith, President of Gaylord Brooks Realty Company, Inc. The amended Agreement 1 resolves the remaining issues between the parties hereto. The parties agree to incorporate all of the terms and conditions of the amended Agreement 1 into the Hearing Officer's Opinion and Development Plan Order.

Subsequent to the November 8, 1995 hearing, other interested parties reached an agreement as to the remaining unresolved issues. This agreement, identified as "Agreement 2", consists of an amended development plan, marked as Developer's Exhibit 3, or "Plan B", and proposes a 13-lot

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subdivision. Plan B was prepared by D. S. Thaler and Associates, Inc. on behalf of Stiles T. Colwill, an adjoining property owner. Agreement 2 as illustrated on Plan B is as follows:

1) Gaylord Brooks Realty Company, Inc. (the Developer) agrees to utilize the 13-lot development plan (Plan B), which was prepared by D. S. Thaler and Associates, Inc. for Stiles T. Colwill. Other concerned parties, namely Dwight S. Platt, Scott and Susan Fine, Harold Burns, the Greenwood Community Association, and the Falls Road Community Association, all find the 13-lot development plan, or Developer's Exhibit 3, acceptable.

2) The Developer agrees to maintain a minimum setback of 300 feet from the southern tract boundary, which is the common property line adjoining the Colwill property, where no residential dwellings will be permitted. Furthermore, within the 300-foot setback, a 200-foot no-build zone will be maintained along the same southern tract boundary. These limitations on use will be incorporated into the Covenants and Restrictions set forth in Agreement 1 and Stiles T. Colwill will be made a party to this document for the sole purpose of enforcing these limitations.

3) The following language shall be added to the Covenants and Restrictions for the Alsrube Property:

No residential dwelling shall be located within a 300-foot buffer established along the southern tract boundary, which is the common property line adjoining the Colwill property. Furthermore, there shall be no swimming pool, tennis court, shed, addition, or other similar accessory structure within a 200-foot no-build zone established from and along the same southern tract boundary line. Allowed improvements within the 200-foot no-build zone include fencing, and similar low-visibility improvements. Developer agrees to minimize clearing in the aforementioned 200-foot no-build zone to avoid wholesale removal of trees in that zone. These restrictions run to the sole benefit of Stiles T. Colwill, who may, in his discretion, grant waivers of these restrictions, which waiver shall not be unreasonably withheld.

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1) The access easement to serve the Colwill property has been deleted from Plan A (Developer's Exhibit 1) and does not appear on the latest revised development plan, or Plan B (Developer's Exhibit 3). All parties agree that future access to the Colwill property by way of the Alsrube property will be prohibited.

There being no other unresolved issues or comments which needed to be addressed, Development Plan B, or Developer's Exhibit 3, as submitted, should be approved, subject to the terms and conditions outlined in Agreements 1 and 2.

As to the Petition for Variance, relief is sought from the strict application of Sections 400 and 1A04.3.B.3 of the B.C.Z.R. Specifically, relief is requested to permit existing accessory buildings on proposed Lot 7 to remain in their present location in the front yard. Apparently, these structures have existed on the property for many years and to require strict compliance with current zoning regulations would result in undue hardship and practical difficulty for the property owners.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the

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having provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Lovola Federal Savings and Loan Association v. Bushman, 297 Md. 213, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Lovola Federal, p. 359. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 29, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow

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the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petitioner, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 33. See also McLean v. Riley, 270 Md. 208 (1973) at pgs. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be

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granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 9th day of April, 1996 that the development plan for the Alsrube Property, identified herein as Developer's Exhibit 3 (Plan B), be and is hereby APPROVED, subject to the following terms and conditions:

1) Gaylord Brooks Realty Co., Inc. (Developer) agrees to utilize the 13-lot development plan prepared by D. S. Thaler and Associates, Inc., marked as Developer's Exhibit 3, or Plan B.

2) The Developer agrees to maintain a minimum setback of 300 feet from the southern tract boundary, which is the common property line with the Colwill property, where no residential dwellings will be permitted. Furthermore, within the 300-foot setback, a 200-foot no-build zone will be maintained along the same southern tract boundary. This restriction runs to the sole benefit of Stiles T. Colwill, who may, in his discretion, grant waivers of these limitations, which waiver shall not be unreasonably withheld. These limitations shall be incorporated into the Covenants and Restrictions set forth in Agreement 1 and Stiles T. Colwill will be made a party to this document for the sole purpose of enforcing same.

3) The access easement to serve the Colwill property has been deleted from Developer's Exhibit 1 (Plan A) and does not appear on Developer's Exhibit 3, or Plan B. All parties agree that future access to the Colwill property by way of the Alsrube property will be prohibited.

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ORDER RECEIVED FOR FILING  
Date  
By

ORDER RECEIVED FOR FILING  
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1) All conditions contained within the Covenants and Restrictions set forth in Agreement 3 executed on November 8, 1995 (Developer's Exhibit 2), are incorporated herein and made a part of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory buildings on proposed Lot 7 to be located in the front yard in lieu of the required rear yard, and to permit a height of 18 feet in lieu of the maximum permitted 15 feet for one of those accessory structures, and from Section 1A04.3.B.3 of the B.C.Z.R. to permit a building to lot line setback of 5 feet in lieu of the required 50 feet for an existing accessory structure(s) on proposed Lot 7, in accordance with Developer's Exhibit 3 and Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs

APPROVED AS TO SUBSTANCE, LEGAL SUFFICIENCY AND FORM:

G. Scott Barhight, Esquire  
Counsel for Gaylord Brooks Realty Co., Inc.

Harold H. Burns, Jr., Esquire  
Counsel for Falls Road Community Assoc.,  
Greenwood Community Association, Margaret V. Burns,  
Scott & Susan Fine, and as pro se

Carroll Holzer, Esquire  
Counsel for Stiles V. Colwill

4/1/96

4/1/96

4/4/1996

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 9, 1996 (410) 887-4386

G. Scott Barhight, Esquire  
David K. Gildea, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, Suite 400  
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE - Alsruhe Property  
S/S Broadway Road, opposite Berans Road (1601 Broadway Road)  
8th Election District - 3rd Councilmanic District  
Frederick J. Alsruhe, et ux, Owners, and Broadway Road LLC  
c/o Gaylord Brooks Realty Co., Developer  
Case Nos. VIII-649 & 96-64-A

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Variance granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

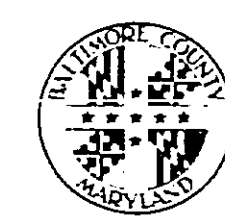
cc: Messrs. Stephen R. Smith and Thomas R. Moore  
Gaylord Brooks Realty Co., P.O. Box 400, Phoenix, Md. 21131

Messrs. Rick Chadsey and James Markle, G. M. Stephens, Jr. and Assoc.  
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

Mr. David S. Thaler, 7115 Ambassador Road, Baltimore, Md. 21244

Harold H. Burns, Jr., Esq., 210 E. Lexington St., #201, Balto., 21202  
J. Carroll Holzer, Esq., 305 Washington Ave., #502, Towson, Md. 21204

Joe Maranto, Proj. Mgr., PDM; DEPRM; DFW; People's Counsel; Case File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Alsruhe Property (off Broadway Rd)  
which is presently zoned RCS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 - To allow an accessory building to be located in the front yard instead of the required rear yard.  
400.3 - To allow a height of 18' in lieu of the required 15' for one of the accessory structures on Lot #8.

The accessory structures on Lot #8, in lieu of the required 15' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

Type of Petition

Signature

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Zip

Phone No.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 31, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING  
Project Number: VIII-649  
Project Name: Alarube Property  
Location: S/S Broadway Road, opposite Berans Road  
Acres: 29.70 Developer: Frederick J. and Estelle L. Alarube  
Proposal: 15 single family dwellings.

CASE NUMBER: 96-64-A (Item 85)  
S/S Broadway Road, opposite Berans Road  
8th Election District - Councilmanic  
Legal Owner: Gaylord Brooks Realty Co., Inc.

Variance to allow accessory buildings to be located in the front yard instead of the required rear yard and to allow a height of 18 ft. in lieu of the required 15 ft. for one of the accessory structures on Lot #8

HEARING: TUESDAY, OCTOBER 3, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

*Carl Jablon*  
Arnold Jablon  
Director

cc: Gaylord Brooks Realty Co., Inc.  
Whiteford Taylor & Preston

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 26, 1995

G. Scott Barhight, Esquire  
David K. Gildea  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 85  
Case No.: 96-64-A  
Petitioner: Alarube Property

Dear Mr. Gildea:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 24, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
September 11, 1995  
FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #85 - Alarube Property  
Off Broadway Road  
Zoning Advisory Committee Meeting of September 5, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Regulations for Forest Conservation.

Also, see Development Plan comments from September 13, 1995.

JLP:VK:LS:sp  
ELSRUHE/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Sept. 15, 1995  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division  
RE: Zoning Advisory Committee Meeting  
for September 11, 1995  
Item No. 085

The Development Plans Review Division has reviewed the subject zoning item. If the variance is granted to allow the existing buildings to remain along the west property line then the proposed 10-foot drainage and utility easement must be relocated to the south property line of Lot #8.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. *DBS (MJK)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258, Nationwide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: September 1, 1995  
FROM: Pat Keller, Director  
Office of Planning  
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 65, 66, 67, 68, 70, 75, 76, 79, 82, 85, 86, 88, 90, and 91<sup>13</sup>

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3490.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Carol K. Ward*

PK/JL

ITEM62/PZONR/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/02/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 5, 1995.

Item No.: SEE BELOW Zoning Agenda:

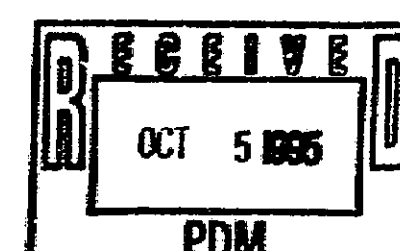
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 81, 82, 83, 84, 85, 86, 87, 88, 90, 91 and 92.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



WHITEFORD, TAYLOR & PRESTON  
L.L.P.

210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515  
410 852-2000  
FAX 410 852-2015

1025 CONNECTICUT AVENUE, NW  
WASHINGTON, D.C. 20006-5055  
TELEPHONE 202-638-0001  
FAX 202-638-0002  
147 KING STREET  
ALEXANDRIA, VIRGINIA 22304-2928  
TELEPHONE 703-686-7472  
FAX 703-686-7473

August 23, 1995

Mr. Arnold Jablon  
Director, Zoning Administration and  
Development Management Office  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Alarube subdivision (R.C. 5)

Dear Mr. Jablon:

Enclosed please find a Petition for Variance for filing in the above-referenced matter. The filing of the Petition for Variance is in conjunction with the filing of the Development Plan, and as such, we request a combined hearing on the two.

Thank you.

Very truly yours,

*David K. Gildea*  
David K. Gildea

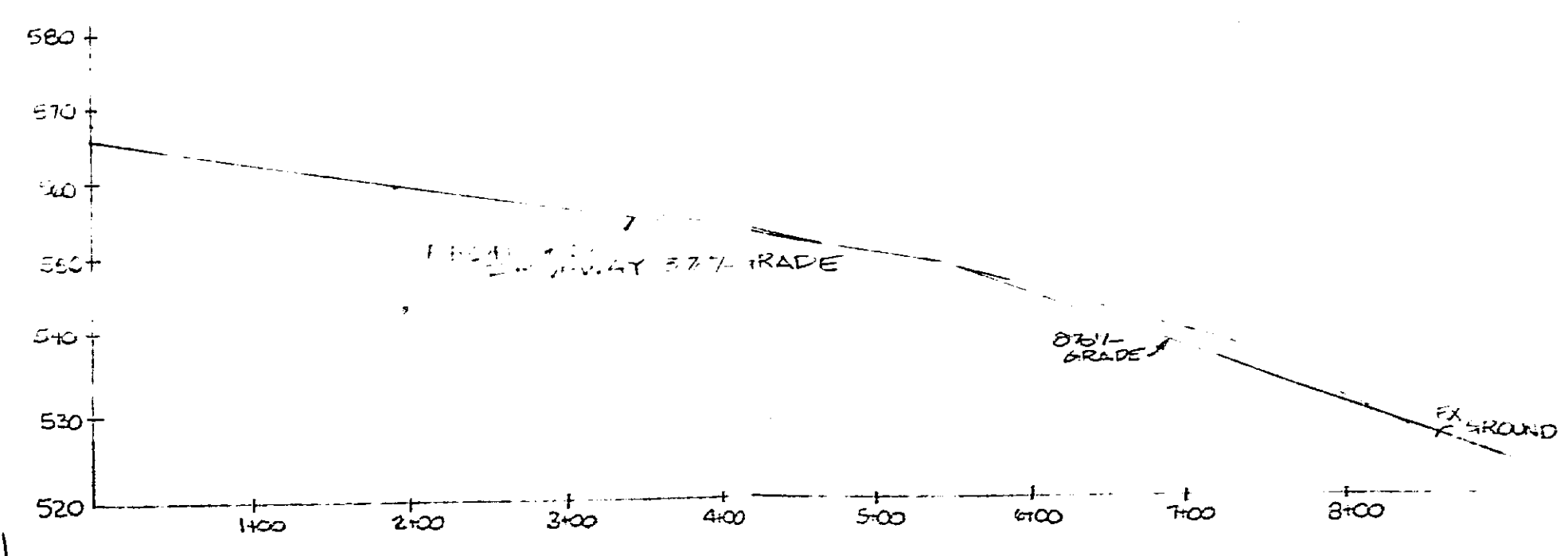
DKG/dmk

cc: G. Scott Barhight, Esquire

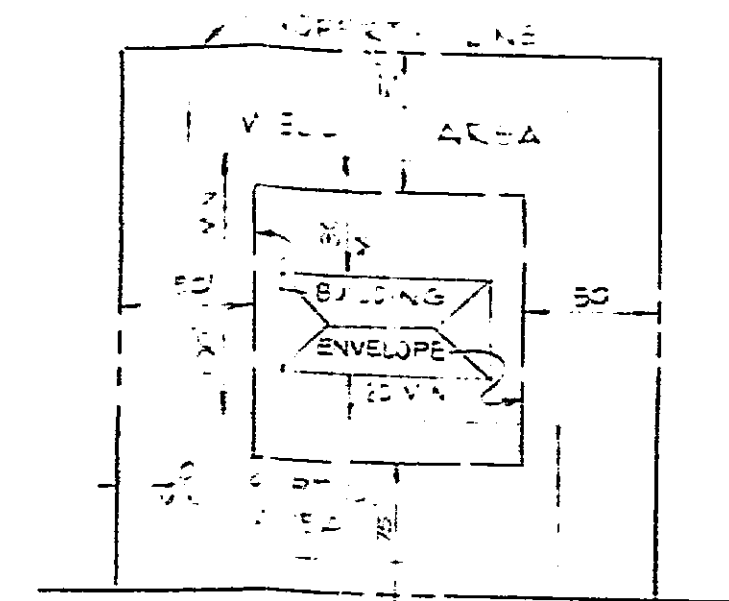
4978

# 85

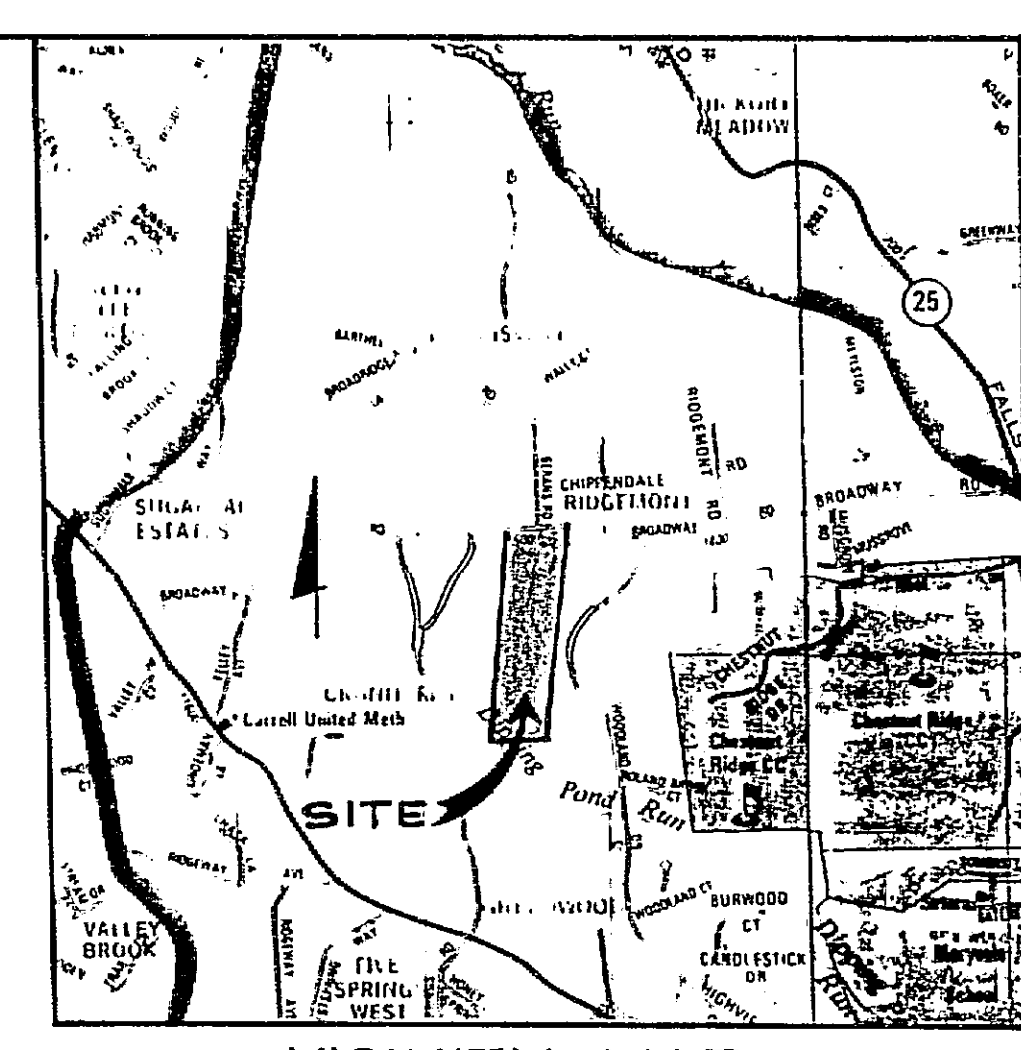




ZONED R.C. 5



TYPICAL LOT DETAIL



VICINITY MAP  
SCALE: 1" = 2000'

LEGEND

- EXISTING CONTOUR
- EXISTING STREAM
- EXISTING WOODS LINE
- SLOPES > 25 %
- SOIL TYPE
- PROPOSED DWELLING
- PROPOSED WELL
- PROPOSED SEPTIC AREA
- PERC TEST
- EX. SEPTIC TEST PIT
- EXISTING WELL

LOT 15 SPECIMEN TREES

- 1. 41" *ULMUS PUMILA*
- 2. 31" *ACER SACHARINUM*
- 3. 33" *ACER RUBRUM*
- 4. 33" *ACER RUBRUM*

SOILS LIMITATION CHART

| Map Symbol | Soil Series | Homesites Limitations | Septic Systems Limitations | Hydric 'K' Value | Capability Unit |
|------------|-------------|-----------------------|----------------------------|------------------|-----------------|
| BaB        | Balle       | Severe                | Severe                     | No               | 0.43 Vlw-2      |
| CbB2       | Chester     | Slight                | Slight                     | No               | 0.32 Ite-4      |
| CcC2       | Chester     | Slight                | Slight                     | No               | 0.32 Ite-4      |
| Cu         | Codorus     | Severe                | Severe                     | No               | 0.49 Ite-7      |
| GdD2       | Glenelg     | Severe                | Severe                     | No               | 0.32 Ite-3      |
| GnB        | Glenelg     | Severe: water         | Severe: water              | No               | 0.32 Ite-15     |

"This property as shown on the plan has been held intact since 1970. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings. If any adjacent owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

THIS DEVELOPMENT IS EXEMPT FROM STORM WATER MANAGEMENT IN ACCORDANCE WITH SEC. 14-155 (b)(4) OF BALTO. COUNTY CODE.

THE KITCHEN SHALL BE REMOVED FROM THE TENANT HOUSE. Variances will be needed on lot 8.

Access will be granted to the Vol. Fire dept. To the existing pond.

I, *Steve Smith*, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

DEVELOPMENT PLAN  
ALSRUHE PROPERTY  
ZONED R.C. 5

8 TH ELECTION DISTRICT BALTIMORE CO., MARYLAND  
SCALE: 1" = 100'  
COUNCILMANIC DISTRICT 3  
DATE: 6/28/95  
ZAPM VII 649

ZONED R.C. 5

OWNER

FREDERICK J. ESTELLE L. ALSRUHE  
1601 BROADWAY ROAD LUTHERVILLE, MD 21093  
DEED REFERENCE: 5153/77  
PROPERTY NO. 0820000400

DEVELOPER  
BROADWAY ROAD LLC  
CAYLORD BROOKS REALTY CO. INC.  
3912 PAPER MILL ROAD  
PHOENIX, AZ 85018  
607-0800  
ATTN: STEVE SMITH

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENYON DRIVE, SUITE 100  
TOWSON, MARYLAND 21204  
(410) 825-1100

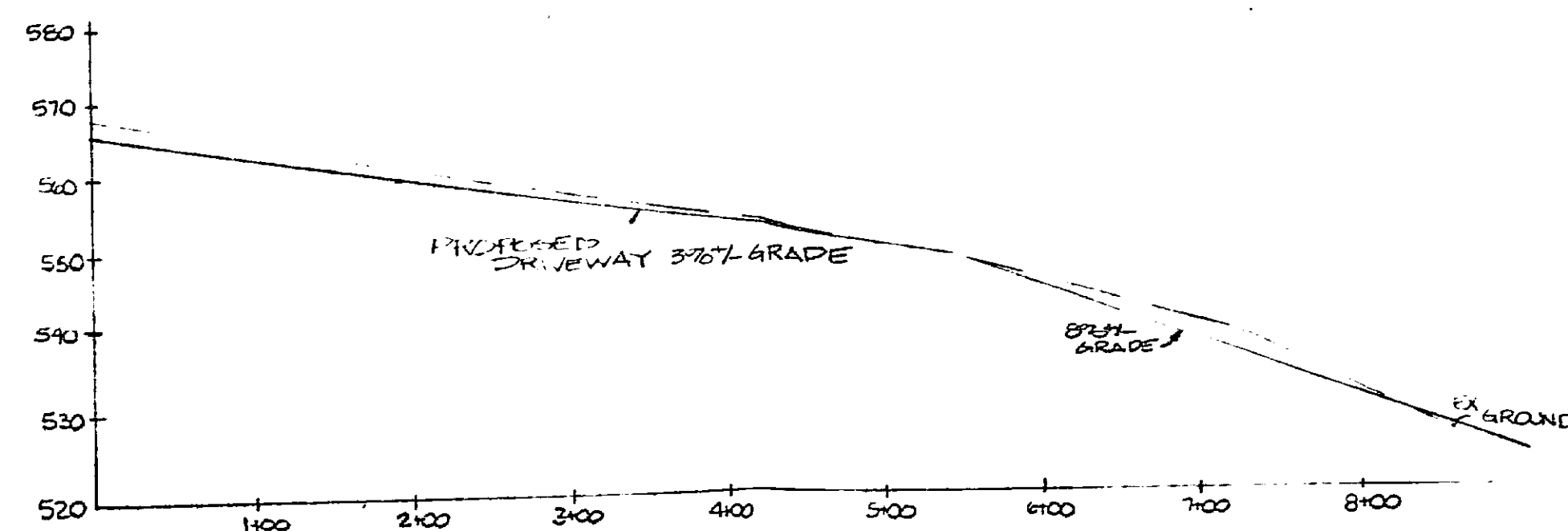
GENERAL NOTES

- DEED REFERENCE: 5153/77
- TAX ACCOUNT #0820000400
- WATERSHED: 14-155
- CENSUS TRACT: 4038.01
- THE AREAS BETWEEN THE SIGHT LINES MUST BE CLEARED GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
- ANY EXISTING SEPTIC TANKS WILL BE BACKFILLED TO COUNTY AND STATE STANDARDS.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, HISTORICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON PLAN.
- FOREST BUFFER ACCESS WILL BE TAKEN OFF PUBLIC ROADS.
- EDGE OF PROPOSED GRADE IS ANTICIPATED TO BE THE LIMIT OF DISTURBANCE.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTION COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MAINTENANCE ORDINANCE.
- FINAL LANDSCAPE PLAN TO BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS AT THAT TIME A FINAL NUMBER OF PLANTING WILL BE DETERMINED.
- ALL HOUSES TO HAVE TWO (2) OFF STREET PARKING SPACES (1.5' x 20' MIN.) TOTAL.
- ALL LOTS SHOWN ON THIS PLAN ARE FOR SALE.

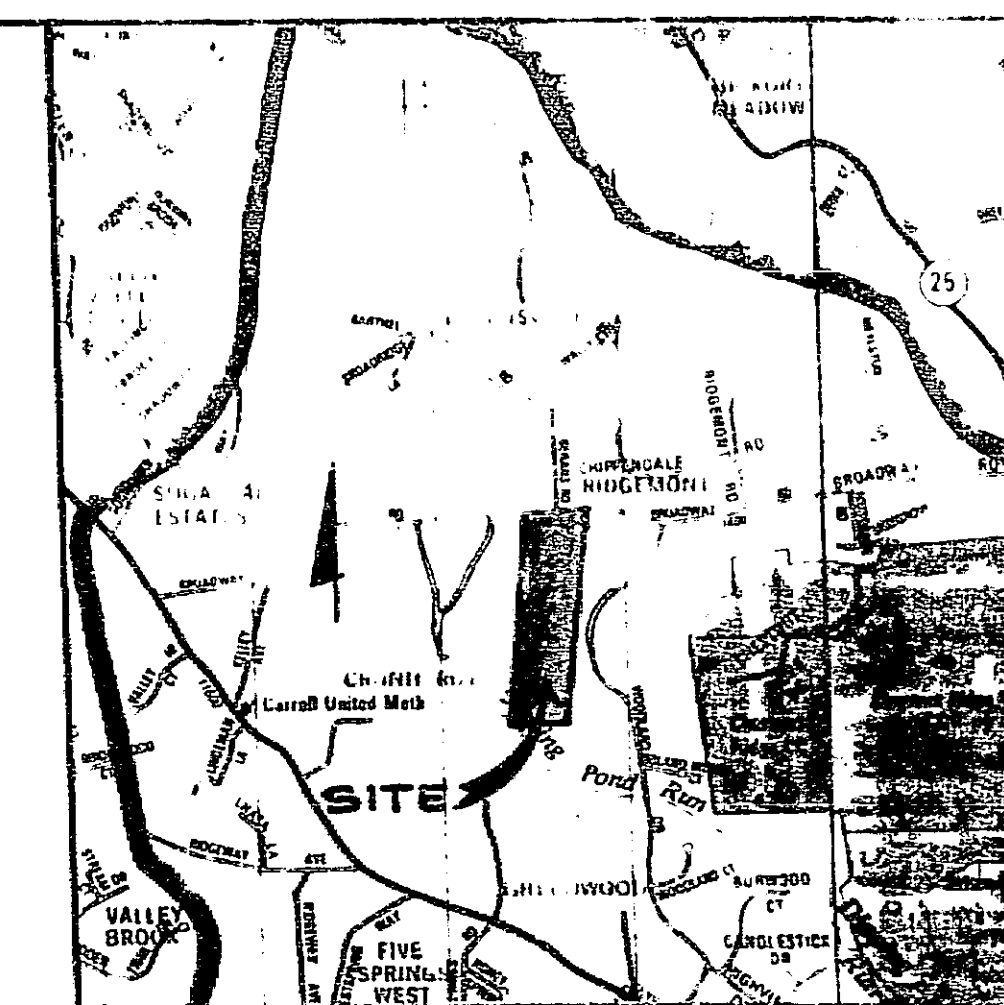
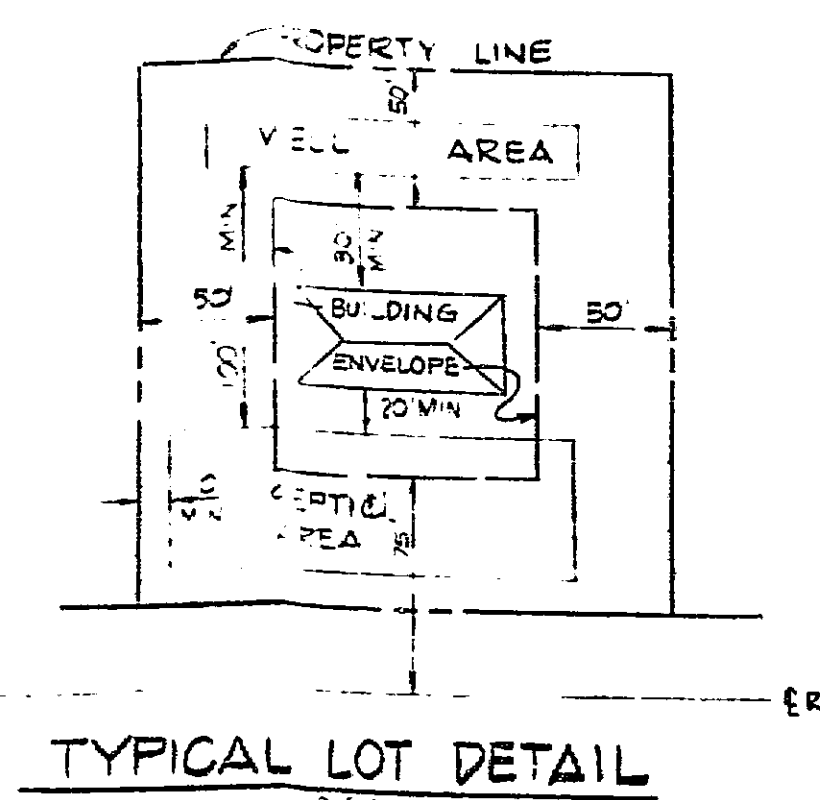
ZONED R.C. 5

- LANDSCAPE REQUIREMENTS  
BERANS ROAD 100' LENGTH + 20' PU  
PANHANDLE DRIVE 80' LENGTH + 20' PU  
BROADWAY ROAD 400' LENGTH + 20' PU
- ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS, FOREST BUFFER, FOREST CONSERVATION EASEMENTS.
- THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAY OR PARKING PAD ENTRANCES TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE, BUT PRIOR TO INSTALLATION OF STREET CURBS.
- LOCAL OPEN SPACE IS NOT REQUIRED IN A RCS ZONE.
- REFUSE COLLECTION IS TO BE PROVIDED BY BALTIMORE COUNTY IN THE PUBLIC RIGHT-OF-WAY.
- NO OPEN SPACE IS REQUIRED.
- DENSITY PERMITTED 29.688 ACRES x 67 = 19.6 UNITS NET AREA 29.318 ACRES.
- DENSITY PROPOSED 12 UNITS.
- THE RIGHT-OF-WAY ON BROADWAY ROAD WILL BE DEDICATED TO THE COUNTY 30' FROM EXISTING CENTERLINE OF BROADWAY ROAD.
- THE DEVELOPER RESERVES THE RIGHT TO INSTALL ENTRY SIGNAGE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATION (SECTION 412).
- LANDSCAPING WILL BE PROVIDED ALONG PANHANDLE DRIVEWAY.
- THE EXISTING WELL MUST BE BACKFILLED BY A LICENSED MASTER WELL DRILLER WHO SHALL SUBMIT A WELL LOG AND A PERMITS TO THE COUNTY RECORDS AFTER BACKFILLING.
- ANY UNDERGROUND STORAGE TANKS WILL BE REMOVED BY A LICENSED TANK REMOVAL CONTRACTOR UNDER PERMITS FROM THE COUNTY.
- MINIMIZE THE REMOVAL OF TREES THAT ARE 8" CALIPER OR GREATER.
- IF A TREE NEEDS AN ELECTRIC LINE





ZONED R.C. 5

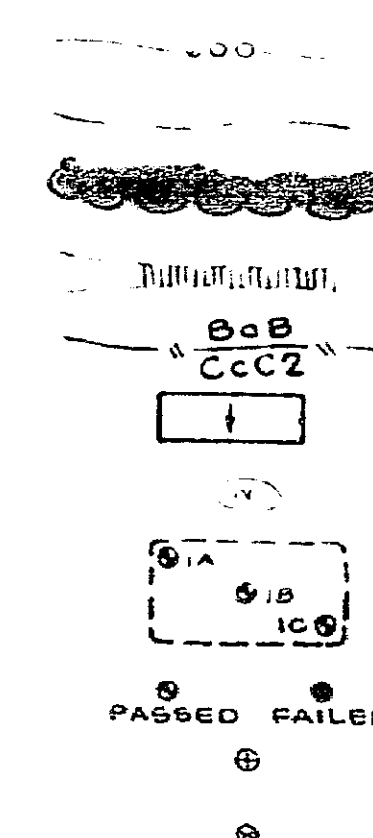


VICINITY MAP  
SCALE: 1" = 2000'

TYPICAL LOT DETAIL  
SCALE: 1" = 50'

LEGEND

- EXISTING CONTOUR
- EXISTING STREAM
- EXISTING WOODS LINE
- SLOPES > 25 %
- SOIL TYPE
- PROPOSED DWELLING
- PROPOSED WELL
- PROPOSED SEPTIC AREA
- PERC TEST
- EX. SEPTIC TEST PIT
- EXISTING WELL



A-49-96

LOT 15 SPECIMEN TREES

- #1 41" ULMUS PUMILA
- #2 31" ACER SACHARINUM
- #3 35" ACER RUBRUM
- #4 35" ACER RUBRUM

SOILS LIMITATION CHART

| Map Symbol | Soil Series | Homesites Limitations | Septic Systems Limitations | Hydric "K" Value | Capability Unit |
|------------|-------------|-----------------------|----------------------------|------------------|-----------------|
| BaB        | Balle       | Severe                | Severe                     | No               | 0.43 Vw-2       |
| CoC2       | Chester     | Slight                | Slight                     | No               | 0.32 Ite-4      |
| Cu         | Codorus     | Slight                | Slight                     | No               | 0.49 Ite-4      |
| GdD2       | Glenelg     | Severe                | Severe                     | No               | 0.32 Ite-3      |
| GnB        | Glenville   | Severe: water         | Severe: water              | No               | 0.32 Ite-16     |

"This property as shown on the plan has been held intact since 1970. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings. If any adjacent owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly."

"THIS DEVELOPMENT IS EXEMPT FROM STORM WATER MANAGEMENT IN ACCORDANCE WITH SEC. 14-155 (D)(4) OF BALTO. COUNTY CODE"

THE KITCHEN SHALL BE REMOVED FROM THE TENANT HOUSE.

400.1 and 400.3 to permit two accessory structures in the side yard in lieu of the rear and a height of 18 in lieu of 15 for one of the structures.

ALSRUHE PROPERTY # 85

ZONED R.C. 5

BALTIMORE DISTRICT BALTIMORE CO. MARYLAND

SCALE: 1" = 100' DATE: 95  
2004 04 04

ZONED R.C. 5

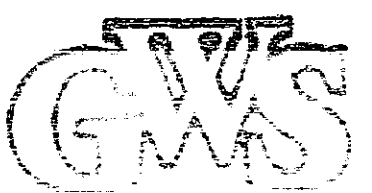
OWNER

FREDERICK J. & ESTELLE L. ALSRUHE  
1601 BROADWAY ROAD LUTHERVILLE MD 21093  
DEED REFERENCE 5153.77  
PROPERTY NO. 0810000400

DEVELOPER

BROADWAY ROAD LLC  
C/O GAYLORD BROOKS REALTY CO INC.  
3012 PAPER MILL ROAD  
PHOENIX MD 21131  
667-0800  
ATTN: STEVE SMITH

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

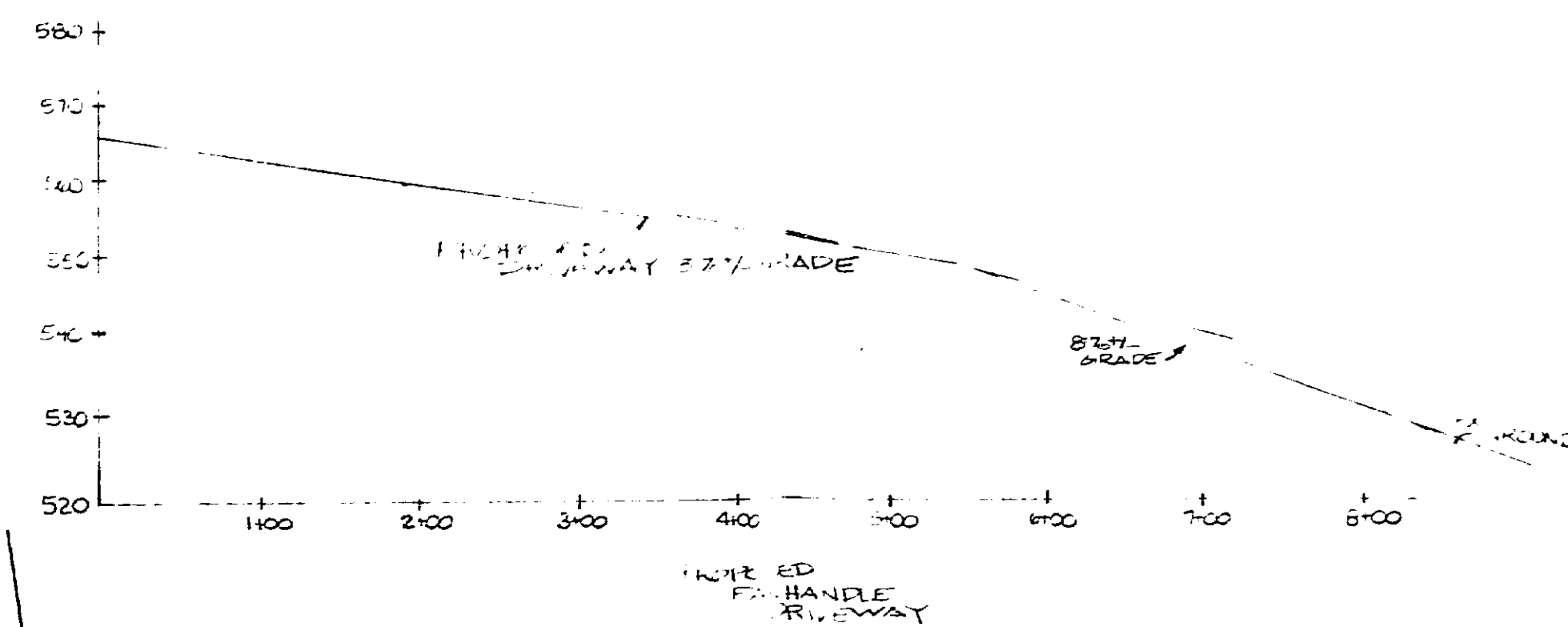


GENERAL NOTES

- DEED REFERENCE 5153.77
- TAX ACCOUNT #0820000400
- WATERSHED: 24.02A
- CENSUS TRACT: 4038.01
- THE AREAS BETWEEN THE RIGHT LINES MUST BE CLEARED GRADED AND KEPT FREE OF ANY OBSTRUCTIONS
- ANY EXISTING SEPTIC TANKS WILL BE BACKFILLED TO COUNTY AND STATE STANDARDS
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON PLAN
- FOREST BUFFER ACCESS WILL BE TAKEN OFF PUBLIC ROADS
- EDGE OF PROPOSED GRADE IS ANTICIPATED TO BE THE LIMIT OF DISTURBANCE
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
- ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTION COVENANTS WHICH MAY BE FOUND IN THE LAND OF RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS
- THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF

- LANDSCAPE REQUIREMENTS  
BERANS ROAD 100' LENGTH - 20' P.U.  
PANHANLE DRIVE 810' LENGTH - 20' P.U.  
BROADWAY ROAD 540' LENGTH - 20' P.U.
- ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS FOREST BUFFER OR FOREST CONSERVATION EASEMENTS
- THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAY OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS
- LOCAL OPEN SPACE IS NOT REQUIRED IN A R.C.5 ZONE
- REFUSE COLLECTION IS TO BE PROVIDED BY BALTIMORE COUNTY IN THE PUBLIC RIGHT-OF-WAY
- NO OPEN SPACE IS REQUIRED
- DENSITY PERMITTED 20.68 SACS: 1.667: 98 UNITS
- DENSITY PROPOSED 12 UNITS
- THE RIGHT-OF-WAY ON BROADWAY ROAD WILL BE DEDICATED TO THE COUNTY 30' FROM EXISTING CENTERLINE OF BROADWAY ROAD
- THE DEVELOPER RESERVES THE RIGHT TO INSTALL ENTRY SIGNAGE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATION (SECTION 415)
- LANDSCAPING WILL BE PROVIDED ALONG PANHANLE DRIVEWAY
- THE EXISTING WELL MUST BE BACKFILLED BY A LICENSED MASTER WELL DRILLER WHO





ZONED R.C. 5

THERE ARE NO WELL OR SEPTIC FIELDS WITHIN 100' OF THE PROPOSED WELL OR SEPTIC AREAS

TYPICAL LOT DETAIL

VICINITY MAP  
SCALE: 1" = 2000'

# LEGEND

- EXISTING CONTOUR
- EXISTING STREAM
- EXISTING WOODS LINE
- SLOPES > 25 %
- SOIL TYPE
- PROPOSED DWELLING
- PROPOSED WELL
- PROPOSED SEPTIC AREA
- PERC TEST
- EX. SEPTIC TEST PIT
- EXISTING WELL

## LOT 18 SPECIMEN TREES

- 41" *ULMUS PUMILA*
- 31" *ACER SACHARINUM*
- 33" *ACER RUBRUM*
- 35" *ACER RUBRUM*

## APPLICANT'S EXHIBIT 1 SOILS LIMITATION CHART

| Map Symbol | Soil Series | Homesites Limitations | Septic Systems Limitations | Hydric "F" Value | Capability Unit |
|------------|-------------|-----------------------|----------------------------|------------------|-----------------|
| BaB        | Balle       | Severe                | Severe                     | No               | 0.43 Vw-2       |
| CcB2       | Chester     | Slight                | Slight                     | No               | 0.32 Ite-4      |
| CcC2       | Chester     | Slight                | Slight                     | No               | 0.32 Ite-4      |
| Cu         | Codorus     | Severe                | Severe                     | No               | 0.49 Ite-7      |
| GdC2       | Glenelg     | Severe                | Severe                     | No               | 0.32 Ite-3      |
| GdB        | Glenelg     | Severe water          | Severe water               | No               | 0.32 Ite-16     |

"This property as shown on the plan has been field inspected by the developer's engineer has confirmed that no part of the gross area of this tract as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings. If any adjacent owned property has been subdivided after this date, show this area as part of the overall tract boundary and at 1st density calculations accordingly.

THIS DEVELOPMENT IS EXEMPT FROM STORM WATER MANAGEMENT IN ACCORDANCE WITH SEC. 14-155 (b)(4) OF BALTO COUNTY CODE.

THE KITCHEN SHALL BE REMOVED FROM THE TENANT HOUSE. Variances will be needed on lot 8.

Access will be granted to the Vol. Fire Dept. To the existing pond.

\*STREET LIGHTS

I, *[Signature]*, certify under oath that there are no delinquent accounts or any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development or a person who will perform contractual services on behalf of the proposed development.

DEVELOPMENT PLAN  
ALSRUHE PROPERTY

ZONED R.C. 5

6TH ELECTION DISTRICT BALTIMORE CO. MARYLAND  
SCALE: 1" = 100' DATE: 6-29-95  
DRAWN BY: [Signature]

OWNER  
FREDERICK J & ESTELLE L ALSRUHE  
1601 BROADWAY ROAD LUTHERVILLE, MD 21033  
DEED REFERENCE: 5153 77  
PROPERTY NO. 0820000400

DEVELOPER  
BROADWAY ROAD LLC  
CAYLORD BROOKS REALTY CO. INC.  
3312 PAPER MILL ROAD  
PHOENIX, MD 21131  
667-0800  
ATTN: STEVE SMITH

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

### GENERAL NOTES

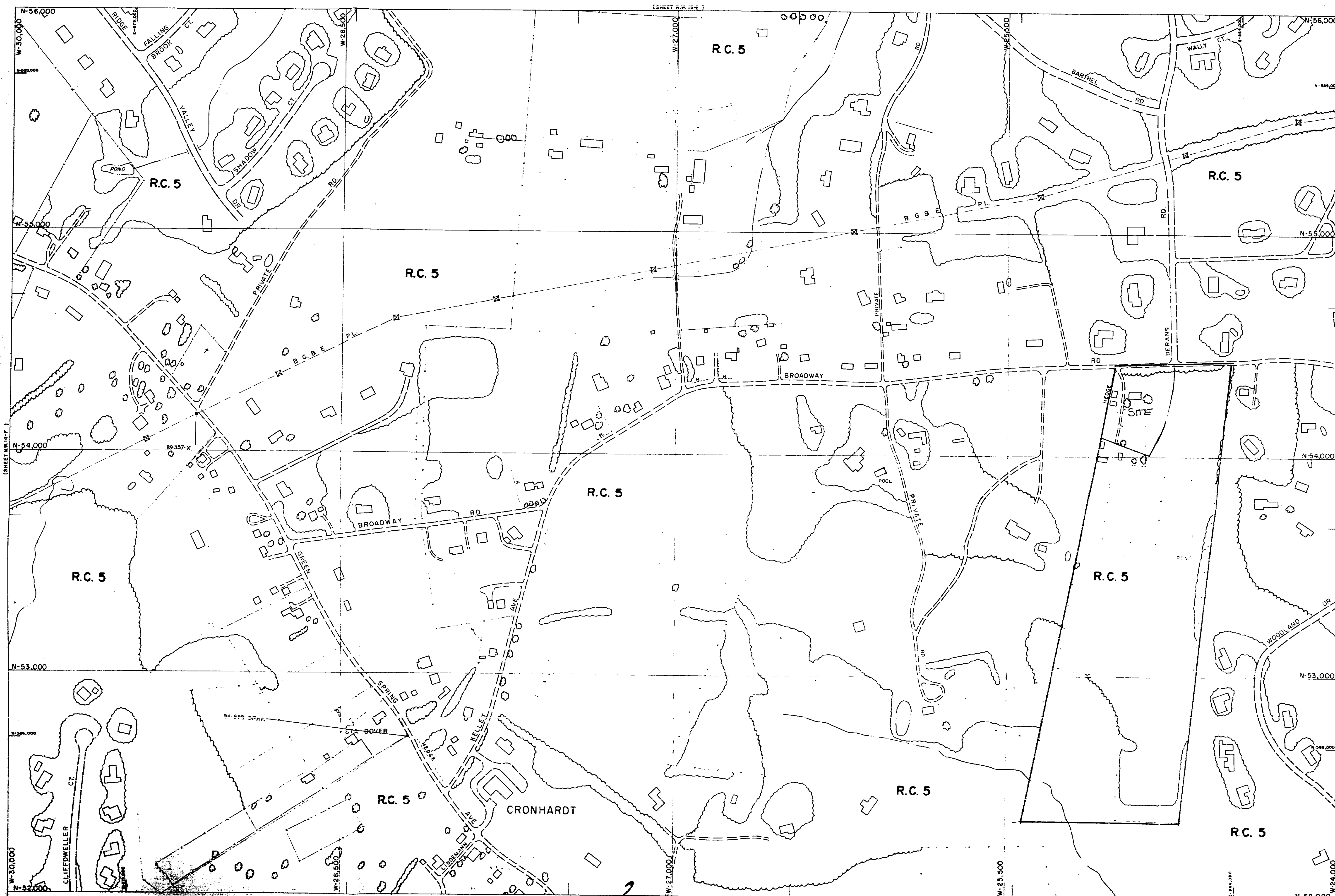
- DEED REFERENCE: 5153 77
- TAX ACCOUNT #0820000400
- WATERSHED: 4
- CENSUS TRACT: 4038.01
- THE AREAS BETWEEN THE SIGHT LINES MUST BE CLEARED GRAPED AND KEPT FREE OF ANY OBSTRUCTIONS.
- ANY EXISTING SEPTIC TANKS WILL BE BACKFILLED TO COUNTY AND STATE STANDARDS FOR SEPTIC TANKS.
- THE BEST OF OUR KNOWLEDGE THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE PROPERTY LIMITS SHOWN ON PLAN.
- FOREST BUFFER ACCESS EASEMENT WILL BE TAKEN OFF P. 500 ROAD.
- EDGE OF PROPOSED GRAPE IS ANTICIPATED TO BE THE LIMIT OF DISTURBANCE.
- THERE SHALL BE NO CLEARING, GRAPING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER EASEMENT/FOREST CONSERVATION EASEMENT SHALL BE SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.

- LANDSCAPE REQUIREMENTS: BERANS ROAD 100' LENGTH - 20' P.U. TOTAL 2000' P.U. PANHANDLE DRIVE 870' LENGTH - 20' P.U. TOTAL 17400' P.U. BROADWAY ROAD 540' LENGTH - 20' P.U. TOTAL 10800' P.U. BUILDINGS SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS, ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.
- ACCESSORY STRUCTURES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS. FOREST BUFFER/FOREST CONSERVATION EASEMENTS ARE TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE, BUT PRIOR TO INSTALLATION OF STREET CURBS.
- LOCAL OPEN SPACE IS NOT REQUIRED IN A RC5 ZONE.
- REFUSE COLLECTION IS TO BE PROVIDED BY BALTIMORE COUNTY IN THE PUBLIC RIGHT-OF-WAY.
- NO OPEN SPACE IS REQUIRED.
- DENSITY PERMITTED 29.688 AC ± 467 ± 19.8 UNITS NET AREA 29318 AC ±.
- DENSITY PROPOSED 12 UNITS.
- THE RIGHT-OF-WAY ON BROADWAY ROAD WILL BE DEDICATED TO THE COUNTY 30' FROM EXISTING CENTERLINE OF BROADWAY ROAD.
- THE DEVELOPER RESERVES THE RIGHT TO INSTALL ENTRY SIGNAGE IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATION (SECTION 415).
- LANDSCAPING WILL BE PROVIDED ALONG PANHANDLE DRIVEWAY.
- THE EXISTING WELL MUST BE BACKFILLED BY A LICENSED MASTER WELL DRILLER WHO









1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 Ord. Nos. 134-88, 145-88, 148-88, 149-88, 150-88  
 [Signature]  
 Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92  
 [Signature]  
 Chairman, County Council

|  |                       |                       |
|--|-----------------------|-----------------------|
| SCALE<br>1" = 200' ±                         | LOCATION<br>CRONHARDT | SHEET<br>N.W.<br>14-E |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                       |                       |

96-64-A  
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